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Official Report of Debates (Hansard)

Wednesday 15 November 1995

Journal des débats (Hansard)

Mercredi 15 novembre 1995

Standing committee on government agencies

Organization

Comité permanent des organismes gouvernementaux

Organisation

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Chair: Floyd Laughren
Clerk: Tannis Manikel

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 15 November 1995

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 15 novembre 1995

The committee met at 1006 in room 228.

ELECTION OF CHAIR

Clerk Pro Tem (Ms Lynn Mellor): Honourable members, it's my duty to call upon you to elect a Chair of the committee. I am open for nominations.

Mr Rick Bartolucci (Sudbury): I nominate Floyd Laughren as Chair.

Clerk Pro Tem: Are there any further nominations? I declare the nominations closed and Mr Laughren Chair of the committee.

The Chair (Mr Floyd Laughren): It's pretty bad when you can't get someone from your own party to nominate you, but maybe that's a sign of things to come. Who knows? Thank you, nominator.

ELECTION OF VICE-CHAIR

The Chair: The nominations are now open for Vice-Chair.

Mr Bob Wood (London South): I nominate Mr Tony Martin as the Vice-Chair of the committee.

The Chair: Tony Martin has been nominated. Any further nominations? If not, Tony Martin is the Vice-Chair. We'll find out later why he's not here.

APPOINTMENT OF SUBCOMMITTEE

The Chair: We entertain a motion at this point for membership on the subcommittee, which is an important part of this committee.

Mrs Lillian Ross (Hamilton West): I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair or at the request of any member thereof to consider and report to the committee on the business of the committee; that substitution be permitted on the subcommittee; that the presence of all members of the subcommittee is necessary to constitute a quorum; and that the subcommittee be composed of the following members: Mr Laughren as Chair, Mr Martin, Mr Wood and Mr Crozier; and that any subcommittee member may designate a substitute member on the subcommittee who is of the same recognized party and a member of the committee.

The Chair: Thank you for that. Those names have been nominated. All those in favour? That's carried.

Okay, that is the beginning. We will get to know each other much better as time goes on, and I hope we're able to work together as a good, functioning committee.

Of course, as I said yesterday as a member of one of the other committees, the committee system is just as partisan as you want to make it, and I have no problem with that. I'm not complaining about that. It tends not to be as wrangy as the Legislature, which is much more of a theatre than is the committee, but at the same time, we will deal with some issues that will cause some passions to rise from time to time. I'm sure of that.

But we are here to do the work of the province, and on government agencies, as you probably know, we can look into agencies themselves or appointments to those agencies, so there's a double-barrelled role for the committee.

It's an interesting committee and I know that as time goes on, as I say, we will get to know each other better, especially the members of the committee. I think Mr Wood and Mr Crozier and Mr Martin and I, in particular, will get to know each other a lot better, because that really is a very important part of making the committee work well. I hope we do have a committee that functions well and does the bidding of the Legislature.

BRIEFING

The Chair: I want to turn this part of the meeting over to the clerk, Lynn Mellor, who has a lot of experience in clerking committees, if that's what you call it, and I don't want to embarrass her, but who is a very good clerk of the Legislature and of the committees. I want to turn the meeting over to Lynn to explain more precisely and in more detail the workings of this particular committee.

Clerk Pro Tem: I have placed a copy of the standing orders in front of each of you. I'm going to briefly touch on them, but I'll give you a little bit of background on the committee, how it functioned in the last Parliament.

The committee—standing order 106(g)—is authorized to review agencies, and then all the details that follow, numbered 1 to, I believe, 14, are the steps that are followed for interviewing the different appointees that have been selected by the subcommittee.

This committee in the past has functioned in the two capacities. The majority of the reviews of agencies have been done when the House is not sitting, although they wrote their reports in many cases when the House came back.

The way the subcommittee had functioned in the past was that there was cooperation on the part of each caucus that each caucus selected from the certificates they had available to them a person who was standing for appointment to an agency, board or commission, and for the most part those interviews took place for about a half hour. In the case of what would be the fourth spot that was available for the committee for interviews, they selected a fourth person on a rotation basis to be interviewed.

The report of the subcommittee: The subcommittee must meet within 30 days of the committee having received the packages of certificates. The subcommittee then, after it has chosen and identified a day it would prefer to meet to review the appointments selected, that report is tabled with the full committee. Then the intended appointees are notified. Mr Pond prepares background material which is distributed to the members of the committee so that you have some material available to you with information on the intended appointee. You'll also receive a package from the secretariat that provides a biographical thumbnail sketch basically of the individual appointees.

The committee last year reviewed the St Lawrence Parks Commission; it reviewed the Ontario Human Rights Commission; it reviewed the Ontario Food Terminal; it reviewed the Workers' Compensation Board. So it has reviewed a wide variety of agencies and David is handing out a list of all the agencies that have been reviewed. Some of the reviews have taken as little as a day or two, others have taken as much as a week or so. In some cases the reports were not completed; time expired before the committee was able to complete its work.

The subcommittee is a very important part of this committee. The subcommittee is the group that is responsible for selecting the intended appointees to appear. Because of the time frames, the subcommittee tries to meet on a weekly basis. The reason for that is that all of the appointees who are listed in a particular package of certificates that are distributed to the committee are held for 30 days or until the subcommittee has met and the subcommittee report has been tabled with the committee.

The Chair: I wonder if members know how those certificates originate, where they come from.

Clerk Pro Tem: The certificates originate as a result of cabinet meeting and approval by cabinet. They're submitted from the ministry to the secretariat to cabinet for final approval. Once cabinet has given final approval, then the certificates are issued and they're tabled with the Clerk of the House who forwards them to the committee. As soon as we receive them in our office we get them out to the subcommittee members.

As to anyone who is not selected from that package, once the subcommittee report is tabled with the committee, then their appointment can go ahead. So the sooner the subcommittee reviews the appointments, the sooner the appointments can go through. It's something that will speed up the process, except for those people who have been chosen for review. Once those people have been chosen for review, then the committee must interview them within 30 days of that selection.

If there is a situation where a member is aware that for some reason they cannot make the selection or have an interview of the selected intended appointee prior to the 30-day expiry, then there is a provision where an extra 14 days can be added on allowing the committee time to meet and review that person's appointment.

That's about all I have at the moment, if there are any questions.

Mr Gary L. Leadston (Kitchener-Wilmot): Is it possible to obtain, at least for my edification, copies of any of the minutes of some of the ones that you spoke of, to get a flavour of the discussion when they appear before the committee?

Clerk Pro Tem: The Hansards are available in the committees. We don't retain extra copies of them. They're available in the library, if you wanted to have someone go through those for you, or if there's one in particular, I can give you dates and then you could get copies from the library.

The Chair: Were you thinking more, Mr Leadston, of a sampling of a debate on an individual appointment, for example, and an agency?

Mr Leadston: I'd like a couple of examples of each. Is it possible for yourself or your staff to provide that? Perhaps the other members may wish to have copies.

Clerk Pro Tem: You just want a copy of a Hansard where an interview of an intended appointee takes place?

Mr Leadston: Yes.

Clerk Pro Tem: And what about an agency?

Mr Leadston: Some examples of the various issues that may be dealt with at this committee, just to give myself a flavour of it.

The Chair: I think that's a fair request, particularly for new members, and it would probably be helpful. We can dig up a couple of examples and distribute it to members.

Mr David Pond: Yes, I can do that.

Mr Leadston: Thank you very much.

Mr Bob Wood: Certainly add my name to the list of distribution.

The Chair: We will give it to all members.

Mr Dan Newman (Scarborough Centre): Perhaps we might want to think about one that worked well and one that didn't work well.

The Chair: We'll try, and if there are any controversial ones we'll try and make sure you get one of those too, so you can see how your folks in opposition treated the government of the day.

Mrs Ross: When the certificates are issued, they're sent to only the subcommittee members, is that my understanding?

Clerk Pro Tem: They could be sent to the full committee. It was the practice that at that stage they went to the subcommittee members because the subcommittee members were those people who were responsible for the actual selection. If it's a request of the committee that it go to all members, I will do as instructed.

1020

The Chair: One of the reasons, it seems to me, that it's important to get it to the subcommittee is that if the whole committee, 13 members, gets into a debate on every name that comes forward, we're going to have quite a problem. So the subcommittee, which consists of a member from each party and the Chair and it tends to work fairly well with subcommittees, would bring their recommendation to the full committee.

Mr Bob Wood: Certainly from the point of view of the government member of the subcommittee, I would have no problem if our members got the full package. Other parties obviously should do it the way they think is right.

Clerk Pro Tem: If we're going to do a full distribution, then I'll do a full distribution. If it's just the subcommittee, then I'll do just the subcommittee.

Mr Bob Wood: From our point of view, it would be helpful to do a full distribution. If other parties don't feel that works properly—

The Chair: That doesn't alter the fact that the subcommittee, in its meeting, will make recommendations to the full committee.

Mr Bob Wood: Absolutely.

Clerk Pro Tem: That's the only way.

The Chair: That's the only way the thing could work.

Clerk Pro Tem: I will give priority to the subcommittee members, making sure that they get them immediately and that the others follow. But I will make sure because there will be times where members won't be here. There could be a constituency week; it could be a case where the House is in recess. What I will do in that case is I will send the packages to the other members of the committee, to their offices, and to the members of the subcommittee, I will fax them, if necessary, to whatever location they happen to be at so that the subcommittee meeting will be able to proceed, and if the members are not here, on a conference call if necessary. We try not to use a conference call unless absolutely necessary, but there are times when it is necessary. That's if that's all right with everyone.

Mrs Ross: I was only asking the question for clarification. I didn't mean to cause more paperwork.

My next question is, once the subcommittee vets which people or boards or agencies they want to review, are we sent a package at that point with background information?

Clerk Pro Tem: No. The report comes to the committee and it's deemed to be adopted by the committee. At that point, packages of background material will be being prepared. Mr Pond needs two weeks, once the selection has been made, to put the packages together for the members and they'll be distributed as quickly as we can.

I hate using what we did in the past, because I don't know what this committee is going to want. What was done in the past was that the packages were sent out Friday afternoon so that they'd be in your offices Monday morning prior to the meeting where the intended appointments would be reviewed. So you'd have two days to review the information. If that's all right with this committee, I'm quite prepared to follow that same routine.

Mrs Ross: That's fine with me. I just wanted to make sure we had something to come to the committee with so we knew what we were talking about.

Clerk Pro Tem: The individual caucus research staff, as well as Mr Pond, have in the past prepared material for each individual caucus. So what you receive from me may not be the only package you'll receive, and likewise with the other caucuses.

Mrs Ross: Okay. Thank you.

Mr Leadston: With that information that we would receive, could we also have your name and extension and David's and any other resource staff's so that if we have any questions prior to the meeting, we could call directly rather than take up time at the committee?

Clerk Pro Tem: You receive a sheet with our names and phone numbers on it. It should be in your office. Someone in your office should have it. If not, I'll double-check to make sure that it is there.

Mr Leadston: Wonderful.

The Chair: Already?

Clerk Pro Tem: Yes.

The Chair: Okay, any other questions? Please don't hesitate. I'd like to welcome the Vice-Chair to the committee. David Pond is going to say a couple of words about the research function.

Mr Pond: Very briefly, I'm here from the legislative research service, as you know, which is part of the library. I've been the researcher attached to this particular committee since the fall of 1989, so I've been here for a while. To take the two roles of the committee in turn, the older role of this committee, as you've heard, is to review agencies, boards and commissions. The first paragraph under the letter G of the standing order essentially explains, as Lynn has explained, the committee's mandate in this respect.

Briefly what happens when the committee chooses agencies to review is as follows: The clerk will send a questionnaire to the agency chosen for review and to the minister responsible asking for detailed information on virtually every aspect of the agency's operation—its mandate, the size of its budget, the size of its staff, who the board of directors are and so on and so forth.

In response to the questionnaire, we will get back a nice pile of paper, if you like. My job is to go into the library and conduct further and more extensive research on that agency to supplement the material received directly from the agency. That generates another nice pile of paper. What I then do is I take the pile of paper and I work up a briefing paper for you on that agency. The briefing papers historically—again, we have to do what we've done in the past—have run anywhere between 20 and 50 pages, depending on the complexity of the agency in question.

The papers have two components. The first component is a narrative of how the agency operates, everything from where it gets its money, its statutory mandate, policies it's adopted, ministry policies it's responsible for executing and so on and so forth. The second part of the paper is more analytical. It will analyse in a non-partisan way, needless to say, any controversies or challenges that particular agency is facing presently. At the end of the paper, I attach possible questions you may wish to put to the witnesses when they are asked to appear.

In the last Parliament, it became the practice of the committee not simply to summon the representatives from the agency itself to appear before the committee but on

occasion the committee would also ask ministry staff to appear. Client groups affected by the agency would also appear to offer their words of wisdom.

When the committee has decided it's heard enough from the witnesses, it will usually go into a brainstorming session or sessions where it works out a draft report and possible recommendations. Just before the first set of witnesses appear, who are invariably the agency representatives themselves, it has been the practice for me to provide an in camera oral briefing on the agency on the briefing material you've received and, again, on possible questions you might want to put to the witnesses.

Now, as Lynn has mentioned, in the last Parliament we reviewed a number of agencies under this heading. I've given you a package, the first page of which says, "Agencies, boards and commissions reviewed by the standing committee." As you can see from this, in the 35th Parliament, 1990-95, this committee reviewed 18 different agencies, boards and commissions, quite a variety here, from the list.

The next section of this handout lists all the agencies, boards and commissions ever reviewed by this committee and its predecessor since 1978 until 1990. You can see the variety and also the number of agencies that this committee actually does review is quite extensive.

Secondly, as you've heard, the other role of this committee is to review appointments to agencies, boards and commissions, order-in-council appointments by cabinet. As Lynn has already explained, so I'll be briefer here, once the subcommittee has made its choice, my job is to prepare a much shorter briefing note on that agency and appointment. The briefing notes usually run between four to 10 pages, much shorter than the briefing notes I prepare on agencies themselves.

As Lynn has explained, the government itself, under the terms of the standing order, provides the personal or biographical information about the appointee. My job is to complement that with a note about the agency to which the appointee is going to go and, again, attached to that briefing note will be possible questions you may wish to put to the appointee.

Now, in the last House—turn to the last page of my little handout—this committee reviewed 352 order-in-council appointments. As I explain here, we do not look at reappointments. That's one of the differences between this committee and the equivalent committees of the House of Commons in Ottawa: We only look at initial appointments. As you can tell here, the 352 appointees this committee did look at is only a small percentage of the total. I suppose that's inevitable, really. I'll stop there.

1030

The Chair: Just to follow up on that, I was told one time, and I never checked it out, that the Minister of Health alone has 5,000 appointments under his or her ministry. So you get an idea of the number. Now, that includes district health councils and hospitals and you can imagine. So there's a huge number of appointments out there in the province. Sometimes a review can be triggered by, for example, the auditor's report, which came in yesterday, if there was a damning indictment of a commission, which is highly unlikely since it was the previous government that was responsible in those days.

Interjections.

The Chair: Don't get ugly on me now. If there was, then this committee could decide to take a look at that particular board or commission or agency.

Mr Leadston: In terms of reviewing an agency, I look at this list and it's quite extensive. Has there been occasion when the committee actually visits the site of a particular agency to review the assets and the extent of its involvement in a particular community?

Clerk Pro Tem: The committee has been to various sites. Two in particular that come to mind are Science North in Sudbury, and then most recently the committee was down into the St Lawrence Parks Commission area and went through the whole area that the parks commission is responsible for.

The Chair: It's not a widely travelled committee.

Clerk Pro Tem: No.

Mr Leadston: I didn't know whether you'd make the decisions in absentia. You cite two good examples.

The Chair: The committee would make that decision. If we were looking at Thunder Bay—I don't know what commissions there are going to be, but there must be some—we would decide as a committee to travel to Thunder Bay and perhaps hold hearings and visit the site and so forth.

Mr Bob Wood: I'm wondering if I might put a question to the researcher. I find these one-page summaries to be quite helpful. Is there a chance of those being appended to some of the work you do?

Mr David Pond: Are you referring to existing one-page summaries?

Mr Bob Wood: No. I'm saying in your future work, to the extent you can have a sort of a summary that helps you get into the material itself, that would certainly be quite helpful to me.

Mr Pond: Something like an executive summary?

Mr Bob Wood: That's what I'm talking about, yes.

Mr Pond: No problem.

Clerk Pro Tem: There's one thing I'd like to add about the packages that will go out to your offices. They're quite extensive packages when they're going out, and if you are not going to be here and you have a substitution, would you please make sure the package is in your substitute's hand, because I don't keep extra packages here. If you don't bring the paperwork with you or you don't give the paperwork to your substitute, then you won't have the material available.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): I would think that one of our first priorities with this committee is that we should be looking at committees to see whether we should have them or not.

The Chair: You mean standing committees?

Mr Fox: Yes.

The Chair: The problem with that is that they are embodied in the standing orders of the Legislature itself, so the change would have to be made by the Legislative Assembly committee.

Mr Bartolucci: No, no, I think Mr Fox is talking about whether or not the boards should be in existence.

The Chair: Oh, I'm sorry.

Mr Fox: Yes, right.

The Chair: I'm sorry; I misunderstood you. Sure, there would be nothing wrong with taking a look at that. If we decided we were going to look at a committee, I'll give you an example: The auditor's report, because I had suggested that might be a place for members to start thinking about things—nobody's trying to make a decision at this point at all—deals with the Ontario Board of Parole and the inspections, laboratory, proficiency testing and licence renewals, and a bit on the Northern Ontario Heritage Fund Corp. Perhaps this committee would take a look at that agency and say, "This thing shouldn't even exist." I'm not disagreeing with you.

Mr Fox: That's just what I was wondering, if we could get consensus of the group that this was something that we should seriously be looking at.

The Chair: Sure.

Mr Bob Wood: I had a point that I wanted to ask about. Are we authorized to review an office such as the Environmental Commissioner's, which reports to the Legislature? Is that within our mandate or not? It's the Environmental Commission of Ontario, which is not attached to a ministry but reports directly to the Legislature; I think it's within the Legislature's budget.

The Chair: You're thinking of something like the Environmental Assessment Board?

Mr Bob Wood: No, there's an Environmental Commissioner who reports directly to the Legislature. Does anyone know whether or not we're authorized to review that office?

The Chair: That's an interesting question. I'm not sure and neither is Lynn. We'd have to check that out. I do not know the answer.

Mr Bob Wood: Would you mind checking that out and reporting the results to my office, please?

Clerk Pro Tem: We'll have the information for you at the subcommittee meeting.

Mr Bob Wood: Okay. If you can get it to me in advance, that would be even better: just a memo, can or can't.

Clerk Pro Tem: The subcommittee meeting will be shortly.

Mr Bob Wood: That's great. Sure, if we can do it right now, that's fine as far as I'm concerned.

Mr Bartolucci: Mr Chair, just following up on what Mr Fox was talking about, who decides what the agenda of the committee is going to be? Is it in fact the committee, is it in fact the subcommittee, is it in fact the cabinet? Who decides? For example, if we wanted to review the Ontario Board of Parole, would the committee decide that, would the subcommittee decide it, or cabinet?

The Chair: Certainly not cabinet. We have an arm's-length relationship with them. The question's been asked, Lynn, about who actually decides what the agenda will be. Traditionally, in this committee I think it was the subcommittee, which consists of all three parties, of course, which decides on the agenda, and then they rotate each week. Let's say we're dealing with individual appointments for the moment, to make the argument simpler. Each party would get an opportunity to say, "In two weeks," because of the need for time—we have to notify the person a week ahead and then they need a little extra time for the research to be done. Each party would pick the person or persons they want to appear before the committee, so the subcommittee would make that decision and therefore set the agenda for the committee. The same would be true of the agencies. That's the nice thing about committees, I think, is that in general committees tend to set their own agenda.

Now, I've been around long enough to know that if, for example, the opposition wanted, perhaps not on this committee but in another committee, to deal with a particular issue and the government didn't want to deal with it for whatever reasons, it can be raised at the committee and can be voted down by the majority on the committee. That's true no matter who's in government. So that wouldn't be that unusual either. But on this committee it would be highly unusual, I would think, for the subcommittee not to proceed as they wished.

Mr Tony Martin (Sault Ste Marie): One of the more interesting experiences re this committee over the last few years—

The Chair: Tony was actually on this committee before.

Mr Martin: —well, I served on and off—was trying to figure out who the Ombudsman reported to and trying to get the Ombudsman to actually appear before this committee. She never did. It was a very contentious piece of business, and I'm not sure if it has any ramifications for any other group that sees itself as sort of, as you've said, reporting to the Legislature and not in turn having to be responsible somehow to a committee of Legislature for its actions deciding, in its wisdom, that in order to maintain its objectivity, it needed to be outside and beyond any challenge we would make to it. So it was an interesting piece of work. Maybe the researcher, who did a lot of work on it, might want to expand a bit on that.

Mr Pond: There is a standing committee which looks at the Ombudsman, and my understanding is she will appear before that committee if requested. This committee, when it reviewed the Human Rights Commission, did ask the Ombudsman to appear, because she had issued a report highly critical of the Human Rights Commission, and she declined to appear. That's all I'm going to say.

The Chair: But it was in connection with her comments on another committee.

Mr Pond: Yes, the Human Rights Commission.

Mr Wayne Wettlaufer (Kitchener): When was that report done by the Ombudsman on the OHRC?

Mr Pond: On the Human Rights Commission? Her most recent one was publicly released in 1993. It was very brief. It was a statistical analysis of the Human Rights Commission's caseload. As you probably know, the issue in the previous Parliament with regard to the Human Rights Commission—well, one of the issues—was the expeditious processing of its caseload.

The Chair: Or lack thereof.

Mr Pond: There were many client groups who were invited to appear before the committee who felt that the commission was not expeditiously processing cases. So the Ombudsman was asked to do a study and she issued two reports in the previous Parliament, 1991 and 1993, on the processing of the caseload.

1040

Mr Wettlaufer: So it was 1993 that she was very critical of the OHRC.

Mr Pond: In 1991 and 1993.

Mr Wettlaufer: Both reports.

Mr Pond: Yes.

Mr Newman: I just had a question. What if someone from an agency, board or commission were asked to appear before the committee and refused? You mentioned the Ombudsman. What happens?

Mr Pond: That's a question for the clerk.

Clerk Pro Tem: There is a procedure called a Speaker's warrant. It is a complicated procedure and we exhaust every avenue first before we go along that route. There is a report that goes from the committee requesting that a Speaker's warrant be issued to the House and the Speaker. If the House is not sitting, then it will go directly to the Speaker and then it's entirely up to the Speaker whether or not that warrant should be issued.

I should caution you that the warrants for the Ontario Legislature, it has been determined, are valid within the jurisdiction. So if there's someone who's living, for example, in Manitoba or Quebec whom you wanted to speak to, then the warrant does not go beyond the provincial boundaries.

The Chair: But if the person ignored that warrant, I believe they'd be in contempt.

Clerk Pro Tem: They'd be in contempt, but—

Mr Newman: Does that happen very often?

Clerk Pro Tem: The issue that comes to mind is the review of the Minister of Northern Affairs and Mines—

The Chair: René Fontaine.

Clerk Pro Tem: —Mr Fontaine. There was a gentleman whom the committee wanted to hear from and he was not prepared to come. Under any circumstances, he was not prepared to come. A Speaker's warrant was considered, but the man was beyond the jurisdiction. After much chasing and much persuasion on the part of the clerk, he did arrive. But sometimes it's necessary to try. It's unusual that a Speaker's warrant is issued.

Mr Newman: I just wanted to know the process.

Clerk Pro Tem: Most people will cooperate with the committees if they understand the process that's going on; not all, but most.

The Chair: Okay, are there any other questions? If not, the committee will stand adjourned.

Mr Pond: There is a question from Mr Ford.

The Chair: I'm sorry, did I miss somebody? Mr Ford.

Mr Douglas B. Ford (Etobicoke-Humber): Yes. On these agencies, boards and commissions reviewed, these dates down here, November 9, 1978, is this the last time this was reviewed, the Waste Management Advisory Board?

Mr Pond: Not necessarily. On occasion, agencies will have been reviewed more than once. The Ontario Board of Parole, for example, has been reviewed more than once. If you direct me to the specific agency you're referring to—it's 1978, the Waste Management Advisory Board?

Mr Ford: Yes.

Mr Pond: We'd have to go through that. I'd have to scroll through the list to see if it's been reviewed again. I'm not sure that exists any more, sir.

Mr Ford: Well, why would it be listed here then?

Mr Pond: These are all the agencies that have ever been reviewed.

Mr Ford: Have they been updated? Has this list been updated?

Mr Pond: Yes, if you turn to the second page I have here, the top page lists the agencies reviewed—

Mr Ford: Yes, that's right.

Mr Pond: —in the 35th Parliament, and then the succeeding pages list all the agencies ever reviewed by this committee. This is not a list of the agencies that exist in Ontario. This is just a list of the agencies that this committee has actually reviewed. There are over 700 agencies, boards and commissions in Ontario.

Mr Ford: Yes. But these dates here, are they redundant or are they up to date? When I review this, I see 1978. Is that the last time they've been reviewed?

Mr Pond: Well, that particular agency, any agency listed next to this date—

Mr Ford: That's right.

Mr Pond: Right. So I strongly suspect that what is listed here as the Waste Management Advisory Board no longer exists, frankly. I'd have to check the book, but I'm almost certainly sure it no longer exists.

Mr Ford: Yes, I see.

Mr Fox: Here's an example right here. In December 1979 the Ontario Food Terminal Board was reviewed.

Mr Pond: Yes. That's a better example. The Food Terminal Board was reviewed three or four times.

Mr Fox: And then here over in 1990 you see they reviewed it again.

Mr Bert Johnson (Perth): I wanted to know, is the green book with the list the Bible? There are none that aren't in there?

Mr Pond: Forgive me, sir, I should have mentioned that earlier when I was speaking about my role. Let me just say a few words about this. The previous government published something called—

Mr Bert Johnson: Do you want to answer my question first and then do your little spiel?

Mr Pond: This was published in February. It's out of date.

Mr Bert Johnson: I want to know if there are any that are not in there.

Mr Pond: Yes.

Mr Bert Johnson: Some time I'd like to know of them.

Mr Pond: There are four of them, according to my research, two created by the previous government between February and April and two created by the current government.

Briefly, this is called A Guide to Agencies, Boards & Commissions; it's the green book. This was published four times by the previous government, in 1991, 1993, 1994 and 1995. This last edition was published in February. It is slightly out of date. A number of agencies have been terminated since this book was published, and of course a lot of the appointments have either been terminated or have ended with the passage of time.

Nevertheless it's the best existing public guide—I put that diplomatically—to agencies, boards and commissions. The library has more than one copy you're free to look at. My personal copy is all marked up.

The first few pages give you a very clear and concise description of how the Management Board of Cabinet classifies agencies, boards and commissions and supervises their operation. If you're looking for agencies, when you go back to your caucuses, to choose for review by this committee, this is a good place to start.

At the next meeting I'll bring my list of updates since this book was published, but as I say, it's an unofficial list because it has been pieced together for my own research: How many agencies have terminated—as you know, many agencies have sunset dates attached to them, but the cabinet, at its discretion, can vary those sunset dates.

But this is your best introduction to the world of agencies, boards and commissions in Ontario, and it's in public libraries. The previous government had a campaign to publicize the availability of positions on agencies, boards and commissions. As part of that campaign this book, in its various editions, was widely distributed around the province and into municipalities. As I say, it is slightly out of date now, but until something else happens, it's the best existing guide.

The Chair: I'm not sure about you folks, but basically all the constituency offices had that because you get people coming in quite legitimately asking about these things. They're a useful thing to have and this should be available to people.

Mr Ford: I was just wondering how many of these areas are reviewed at one time.

Clerk Pro Tem: What was developing at the end of the last Parliament was that during each approaching recess each caucus picked one agency, board or commission that it wanted to look at during the recess. When that work was completed, then they would make an additional selection. Previous to that, they had made many selections.

What happens is that the agencies are then put on notice, and in some cases they're put on notice waiting for a very long time and they have to prepare a lot of material—there's a questionnaire that goes out. So it was determined that if only one per caucus was chosen, then the agencies wouldn't be preparing and wouldn't be on notice perhaps for a very long period of time, that this was probably the most efficient way to do it. I don't know what this committee's going to decide.

Mr Ford: That's understandable because there'd be a lot of clutter.

Clerk Pro Tem: We'll just have to see how things go.

Mr Bob Wood: Can I make sure I correctly understood your answer about the green book, that the omissions are simply because the committees or whatever they are were created after the book was published?

Mr Pond: There are two aspects to this. Some agencies have been terminated, as you know. Some agencies were scheduled to be wound down in any case by the previous government. But the most substantive point is that the last two governments made it a practice to appoint, in most cases, order-in-council appointments to agencies for a three-year term, with a possibility of reappointment. February, which was when this was published, was a while ago. Many of those appointments have passed away, they've come to an end. So there are holes now on various agencies.

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One thing worth mentioning in that connection, sir, is that it was our experience in the previous Parliament that the reason you have this rule about 30 days—you know, the subcommittee has 30 days to meet to look at a certificate—is that the government will be concerned that these order-in-council appointments flow through the committee expeditiously, because many agencies, as you can appreciate, will need new members to make a quorum, to get business done.

I think you'll find, as this Parliament progresses, you'll feel some need to have regular subcommittee meetings to make sure these names are processed through the committee, either yea or nay or not to look at at all, because the agencies have to keep working. They can't stop working just because the House is in recess and this committee isn't meeting.

The Chair: If the committee doesn't want to look at them, of course, they just go through.

Mr Bob Wood: What I wanted to get crystal clear in my mind was, you think that book's complete, subject only to things that have happened after its publication.

Mr Pond: After February, yes.

Mr Bartolucci: David, I think it would be incumbent that this committee have an updated version of that so at least this committee knows exactly what it's committeeing about. I'm wondering, given the complexities of sunset dates and board reappointments etc, is it possible to get the revisions to that given to each member of the committee?

Mr Pond: I can certainly update to the best of my ability the agencies in existence. I can't update the actual membership of every single agency in this book as of right now. There are 700 agencies and it's physically impossible. I'd have to phone every single agency and then they'd have to share the information with me, and sometimes agencies don't want to do that. But I can certainly update the list of agencies actually existing.

As soon as you look at this book, every appointee is listed here, with the length of his or her appointment, or term, next to his or her name. You can quickly tell, immediately, by just opening up any page here, whether a board is losing members, and many of them are. Many of them are losing members. The government will be looking at appointing new people.

Mr Michael Gravelle (Port Arthur): We'll all have a copy of that book?

Mr Pond: I don't know.

Clerk Pro Tem: They've been sent out to your constituency offices, so everyone will have a copy of it. The book, when it's issued, almost immediately is out of date, because appointments are ongoing.

Mr Bartolucci: But I guess, to zero in more precisely, I wouldn't want this committee to be reading through and deciding that we should be reviewing an agency that doesn't exist, and unless we know what agencies exist and don't exist—I would think we should at least get that.

A point you did make is, why would anyone be reluctant to give you information?

Mr Pond: Oh, don't read into that anything. Staff at agencies are often very busy. They often don't have the time to. Many of these agencies are very large. You'll appreciate that. The Assessment Review Board, for example, has over 50 members. Many of these agencies are quite, quite large, and sometimes they can't pull the information together immediately.

Now, of course, as your researcher, these agencies are compelled—no, I shouldn't say "compelled"—are usually under some kind of obligation to share information which is public with me, and I can get it.

The point I was trying to make was that it is extremely time-consuming for me to go through every single agency here and figure out what their membership is as of November 1995. The agencies you choose to review, I will get that information in spades. That goes without saying.

Mr Fox: I have one of these green books in my constituency office, but as a member of this committee, I'd like to have one for my office here so that I could spend some time on it when I have time here. Is that possible?

Clerk Pro Tem: I just got the word from the secretariat representative that, yes, they'll provide them to us.

Mr Ford: Are these all on computer and programmed, and can you bring them up?

Mr Pond: The previous government had—Lynn's already used the phrase—a secretariat—it was known as the public appointments secretariat—that had computerized lists. We'd have to talk to the equivalent office in the present government for information on how the present government is organizing appointments.

Mr Ford: That shouldn't be too much, 700 on computer and you put them in memory and you just bring them up. As the changes are made, you change them.

Mr Pond: I agree. On two or maybe three occasions in the last Parliament, members of the government's secretariat, which is the bureaucracy that manages this process, appeared before the committee and gave details on how they were managing appointments. But as I say, if you like, sir, I will contact members of the secretariat before the next meeting and get the details.

The Chair: Any other questions? I think members know that the schedule for the committee is 10 am every Wednesday morning. Try and adhere to that, with the subcommittee meeting at 9:30. I think that'll be enough time for us. Just so you know, when the Legislature's not in session and the committee meets, there is a per diem. But that is all, of course, under serious review and so we have no idea what will transpire. Hopefully we'll find out later this fall. Just so you know that.

Mr Bob Wood: I want speak to a question which may be more properly put to the subcommittee. The subcommittee itself determines when these meetings are going to be held, does it?

The Chair: No. The Wednesday morning is actually set by motion in the House for all the different committees so that there's not overlapping and conflict.

Mr Bob Wood: I was speaking of the subcommittee meeting. What I'm coming to is that 9:30 is bad for me. If the committee has to deal with that, I'll address it now. If it doesn't, why don't we address it in the subcommittee and get a time that works for everybody?

The Chair: Okay. Let's deal with that on the subcommittee.

Mr Bob Wood: As long as there's no procedural reason we have to deal with it here, I'll say no more.

Mr Bert Johnson: I just have a question. I came in this job for the money, so I want to make sure—

The Chair: Didn't we all?

Mr Bert Johnson: —and that is per diems. Does somebody look after registering our attendance and sending those, making sure that we're registered, or is it our responsibility to fill it in?

The Chair: When the House is in session, it's irrelevant, because there are no per diems. When the House is not in session, yes, the clerk looks after the attendance and you will be given a form to fill in with any expenses that you incur, such as travel, meals and accommodation—with the per diem. Then you submit that and I have to sign that, and then you'll be paid. Now that's the present system, but it really is under serious review, as you know.

Mr Bert Johnson: If it works, then I don't see any reason why we shouldn't continue it.

The Chair: You're talking to the wrong guy. I don't disagree with you. Is there anything further? Thank you all very much for your attendance. I appreciate that, and I'll see you next Wednesday morning. The subcommittee can stay, if you will, and have a chat.

The committee adjourned at 1057.

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*Ross, Lillian (Mrs) (Hamilton West/-Ouest PC)
*Wood, Bob (London South/-Sud PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Wettlaufer, Wayne (Kitchener PC) for Mr Preston

Clerk pro tem/ Greffière par intérim: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Wednesday 22 November 1995

Journal des débats (Hansard)

Mercredi 22 novembre 1995

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

Subcommittee reports

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Clerk: Tannis Manikel

Président : Floyd Laughren
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 22 November 1995

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 15 novembre 1995

The committee met at 1004 in committee room 2.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr Tony Martin): I call this meeting to order.

Clerk Pro Tem (Ms Lynn Mellor): We want to deal with the subcommittee report dated November 15 first, and then the subcommittee dated November 21. They're under your elastics.

The Vice-Chair: Dealing with the report of November 15 first, I'll read it into the record.

"Your subcommittee met on Wednesday, November 15, 1995, for the purpose of organization and to consider the selection of intended appointees for committee review.

"1. It was agreed that the subcommittee will meet on each and every Tuesday at 1 pm in room 228 while the House is sitting.

"2. It was agreed that the committee will meet on Wednesday, November 29, 1995, to consider the selection of intended appointees for committee review.

"3. Re the certificate of October 23, 1995, it was agreed that the following intended appointees be selected for review:

"Selections of the official opposition party—none selected.

"Selections of the third party:

"Agency: Board of Parole (western region)

"Name: Gary McNaughton

"Time recommended for consideration: One half-hour

"Date for consideration: November 29, 1995."

There were no names put forward by the government party. Does somebody want to move the adoption of that?

Mr Gary L. Leadston (Kitchener-Wilmot): So moved.

The Vice-Chair: Mr Leadston moves adoption. Any questions or comments? All in favour?

Okay. Then we'll move on to the report of Tuesday, November 21.

"Your subcommittee met...for the purpose of organization and to consider the selection of intended appointees for committee review.

"1. It was agreed that the committee will meet on Wednesday, November 29, 1995, to consider the selection of intended appointees for committee review.

"2. Re the certificate of November 16, 1995, it was agreed that the following intended appointees be selected for review:

"Selections of the official opposition party:

"Agency: University of Toronto Governing Council

"Name: Paul V. Godfrey

"Time recommended for consideration: One half-hour.

"Date of Consideration: November 29, 1995

"Selections of the third party:

"Agency: University of Toronto Governing Council

"Name: John H. Tory

"Time recommended for consideration: One half-hour

"Date for consideration: November 29, 1995

"Selections of government party:

"Agency: Criminal Injuries Compensation Board

"Name: Celia Kavanagh

"Time recommended for consideration: One half-hour

"Date for consideration: November 29, 1995

"It was agreed that for the three above-mentioned selections, due to time restraints the research officer, Mr Pond, would not produce background material."

"4. It was agreed that a letter be sent to the House leaders requesting authorization for the committee to meet two days of each month that the House does not sit during the winter recess for the purpose of reviewing appointments to the various agencies, boards and commissions."

Hi, Peter. You've been replaced for this morning. You can never be replaced, I know.

Mr Peter Kormos (Welland-Thorold): That's fine.

The Vice-Chair: Thanks, Peter. Would somebody move the adoption of that report?

Mr Gary Fox (Prince Edward-Lennox): So moved.

The Vice-Chair: So moved by Mr Fox.

Mr Douglas B. Ford (Etobicoke-Humber): Mr Chair, I'd like to ask a question.

"It was agreed that for the three above-mentioned selections, due to time restraints the research officer, Mr Pond, would not produce background material." Why not?

Mr David Pond: The normal cycle in this committee is that we usually need about 10 calendar days between the subcommittee's selection and when the material goes out to you in your offices to produce the usual briefing papers. Those 10 days add up to about six or seven working days. That cycle was worked out on the basis of practice during the last House.

On a week-to-week, month-after-month, year-after-year basis, it's just not feasible, from the library's point of

view, my point of view, to provide you with the high-quality, accurate and lengthy briefing papers that we usually provide for you when there's a two-week or a 10- to 14-day break between the subcommittee's report and the holding of the hearing. We tried it in the last Parliament early on and it just doesn't work, frankly.

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Mr Ford: I realize that, but if you're appointing somebody to certain committees or agencies and different things of that nature, you have to have a backgrounder on them, don't you?

Mr Pond: You'd have to ask the subcommittee.

The Vice-Chair: That's right, and we talked a bit about that. Logistically, it just isn't possible this time. I spoke to the clerk yesterday, and we may have to miss a meeting in order to get us back on the two-week cycle at some point in this whole exercise so we can get that background information.

Clerk Pro Tem: There is some information provided by the secretariat, which is the CV and the job description. You'll have that material but you won't have the background material which Mr Pond normally prepares on the agency itself.

Mr Ford: We're going to have the material after the fact or before?

Mr Bob Wood (London South): Mr Chair, it might be helpful for any members of the committee who need extra information to go to their representative on the subcommittee. I think we can be of some assistance in getting whatever information you need.

The Vice-Chair: For me personally and our caucus, we're going to go to our research team and ask them to do a little digging for us and getting some information in this instance. We're going to try and resolve this so that we do have the detailed background material on people that's usually presented.

Mr Ford: There are two names here I'm familiar with, but—maybe I'm ignorant of the fact—who is Celia Kavanagh?

Mr Pond: We've already mentioned the government does provide the biographical information about individual appointees. My understanding is that in the normal course of events, that would be sent to your office.

The Vice-Chair: You'll be getting it.

Clerk Pro Tem: That material is not provided until after the actual selections for review; otherwise, they'd be providing the committee with material on several thousand people over a given year.

Mr Bob Wood: The practical problem was that we couldn't get the thing going next week if we had to have the usual research we've had. You're quite right in saying we need more information, and we'll get you what you need.

Mr Ford: I just don't want to be nominating people I don't even know, have no background on. You could pick somebody off the street and bring them in and say they're nominated. It's the same situation. I think everybody would agree.

Mr Bob Wood: We'll get it for you.

Mrs Marion Boyd (London Centre): I really appreciate the concern you're expressing, but I think it's important for us to remember that with people who have been appointed and have gone through the order-in-council process, there's already been a lot of work done by whichever ministry or by the secretariat in terms of doing some of that. It's not quite like picking somebody off the street. The people have already gone through some process, often an interview process, with the particular ministry that's involved. I understand your concern, but I think you need to know that some process has already happened.

Mr Ford: I've always been on committees and somewhere further down the road, somebody says, "Who nominated this person to the committee?" and everybody sort of hides in a closet: "Not me."

The Vice-Chair: Any other questions or comments?

Mr Rick Bartolucci (Sudbury): Just one, Mr Chair, with regard to item 4, about meeting two days. Maybe we could get some ideas from the committee. Given that the months are bad, especially in northern Ontario with unpredictable weather etc, and flights—you'll notice I said "flights" rather than roads, eh?—what's the feeling of the committee about the two days being back to back? It would allow us some time to do work in the office. It would also be easier, logistically, for the appointees to be summoned to Toronto etc, rather than splitting them up. Any thought given to that?

The Vice-Chair: That's the plan.

Mr Bartolucci: That's the plan? Terrific, great.

Clerk Pro Tem: Because cabinet meets on Wednesday, the normal sitting days for that purpose are a Wednesday and a Thursday. The reason for that is that any certificates that come out of the Wednesday meeting of cabinet held during the week the committee is sitting then can be considered by the subcommittee Thursday morning and the selections can be made and tabled with the committee that Thursday. There isn't the need of the expense of a conference call to consider the selections of the subcommittee prior to the next meeting of the committee.

Mr Bartolucci: Thanks very much for that clarification.

Mr Bob Wood: I might say that it's the intention of the government members to make a recommendation to our House leader about what we think the committee should do. We're going to discuss that in the subcommittee and, hopefully, we might be able to make a recommendation of the subcommittee. We can all agree on what we think might be a good idea and give it to our respective House leaders; they can then take it from there and do what they want with it. But I would hope that the members of the subcommittee might get full input from their members. At the next meeting I think we're going to consider this. My hope would be that the committee, in the sense of the subcommittee, can make a recommendation to the House leaders and say, "Here's what we think would work for this committee."

Mr Bruce Crozier (Essex South): Just for the information of the committee—it wasn't in the subcom-

mittee because we haven't arrived at it yet—there will be a request to the government, and I think the subcommittee will concur, for time as well for those boards, agencies or commissions that each of us chooses to bring before the committee in the intersession.

The Vice-Chair: Yes, we had agreed as a subcommittee to deal with that next week and make that request to the House leaders as well and bring it forward at the next meeting of this committee. You're right.

Mrs Lillian Ross (Hamilton West): Is there any possibility of getting the agenda to the committee ahead of time?

Clerk Pro Tem: Until yesterday's subcommittee meeting, because a lot of other things were being considered at the time, I didn't know how many reports would be coming forward. So that's why, this time. Normally, yes, you would have it in your offices by Monday, along with the package. It goes out on Friday, along with the package, normally. We're just trying to get this meeting together, just getting everything rolling, but we will get into a routine, I promise.

The Vice-Chair: All those in favour of approving the second report? Carried.

Just a couple of other small things: You've noticed that you have a copy of the latest version of the guide to agencies, boards and commissions that was requested at the last meeting. I want to thank David for that and the update with it, for doing that and having that for us. The sample Hansards that were requested are also there in your package. Some of you who wanted to see how the thrust and the parry went in previous committees can have a look at that.

Also, Lynn has included her business card. Ms Mellor is always conveniently handy and able to be contacted. You might want to take advantage of her availability and her expertise in this whole area.

The other request for information, which will come to you in due time, perhaps Mr Pond can speak to.

Mr Pond: The government has very kindly provided to me a list of all order-in-council appointments made to agencies, boards and commissions between June and October, when the certificates began to flow. I'll bring that to the meeting next week, if that's convenient for you.

The Vice-Chair: Is there any further business?

Mr Bob Wood: There are two brief things I'd like to speak to. I understand that our Chair is going to be going into hospital. I wondered if it might be in order to send something from the committee, flowers or something like that, just to indicate that our thoughts are with him.

The Vice-Chair: The committee itself, I'm told, does not have a budget for that kind of thing, but if the members themselves or somebody wanted to take some responsibility for that, I'm certainly willing to work with you on that, Bob.

Mr Bob Wood: I was thinking maybe $5 each and putting it in your hands to find out what he might appreciate and send it to him. I think it's important that he be aware that we're—

The Vice-Chair: I think it's really good of you to propose that, Bob, and I certainly would concur. Is that okay with everybody? Yes, okay. You and I will take care of that?

Mr Bob Wood: Why don't the two of us collect money before everybody leaves? One of us is going to have to run to the door, Tony. Don't let anybody out. Maybe we can leave it with you to determine what's the right thing to do. I think some recognition is important. Thank you. We're seeing a large flow of funds, at least from this side of the committee.

The second item I wanted to raise, Mr Chair—thank you, keep it flowing—is that I find this configuration to be a little difficult because we're looking at people's backs.

Clerk Pro Tem: This is an emergency room. We were supposed to be in room 228, but there were no desks up there; this was a last-minute emergency. This room is set up in this configuration because this room is too small to take the other configuration. When you're in here it's usually because you're at the bottom of the pile in committee room assignment or it's an emergency. Unfortunately, this is the only way this room can be set up.

Mr Bob Wood: I think where possible we should avoid this kind of configuration. I find it difficult.

Clerk Pro Tem: We do in all the other committee rooms. This is the only one where we're limited by the space.

The Vice-Chair: I always found it kind of frustrating too, in the last five years, this kind of thing.

Mr Crozier: I need the Chair's direction or perhaps the staff's assistance with a question. During the last sitting of the committee, there was a review of the St Lawrence Parks Commission, of which no report was made. Can you refresh my memory, and then what the procedure might be beyond that?

Mr Pond: You are quite correct, sir. This committee reviewed the St Lawrence Parks Commission in eastern Ontario; we travelled eastern Ontario in the fall of 1994. Lynn will correct me if I get this all wrong. There was—I'm going to put it this way because we're on Hansard—an issue that arose that was brought to the committee's attention, which the government of the day wanted to look at because it involved confidential issues.

The government of the day prepared a report on that, which was ready for the committee to look at at the very tail end of 1994. Then in the spring of 1995—and this happens inevitably every once in a while—the committee just ran out of time and there was an election. There you have it. We just ran out of time, quite frankly. The same thing happened with the Council of Regents review, if you recall. We just never got around to finishing it off.

Mr Crozier: But in view of the fact that we have virtually a new committee, is there any way to draw that to a conclusion without going through, literally, the whole process again?

Clerk Pro Tem: It's a new Parliament, it's a new committee, it's a new session, it's new members. You would have to start from scratch.

Mr Crozier: That's unfortunate, because there was a lot of work done on it in both instances. What I'm kind

of looking for in terms of direction is whether there is any way to make that data useful.

The Vice-Chair: The only recommendation I could make is that if we chose it as one of the boards, agencies or commissions we wanted to review this time around, I'm sure that information could be brought forward.

Clerk Pro Tem: Yes, there's nothing to prevent you from going back in the research if you chose St Lawrence Parks Commission to be reviewed again, nothing to prevent you from using any of the materials that were available as background material. But as far as taking that material without looking into the issue and coming to a conclusion, no. Because it's a completely new committee, that's not possible. You'd have to prepare your own report based on your own hearings and investigations.

Mr Crozier: Might I suggest that, having brought that to the committee's attention, there may be some of us who at least want to read it, and then who knows what might happen?

Interjection: Read what?

Mr Crozier: The discussion is in Hansard.

Clerk Pro Tem: Yes, the Hansards of all the committees are available in the library.

Mr Fox: I think that's a fair statement. We should make use of it.

Mr Bartolucci: Mr Chair, can we direct staff to get us copies of the Hansard and distribute them to each of the committee members?

Mr Pond: Absolutely.

The Vice-Chair: No sooner said than done.

If there is no other business or questions, I'll entertain a motion to adjourn. Anyone want to do that?

Mr Peter Preston (Brant-Haldimand): So moved.

The Vice-Chair: Mr Preston has moved a motion to adjourn. Carried.

The committee adjourned at 1025.

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**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Boyd, Marion (London Centre ND) for Mr Laughren

Clerk pro tem/ Greffière par intérim: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Journal des débats (Hansard)

Mercredi 29 novembre 1995

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

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Intended appointments

Nominations prévues

Chair: Floyd Laughren
Clerk: Tannis Manikel

Président : Floyd Laughren
Greffière : Tannis Manikel

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 29 November 1995

Mercredi 29 novembre 1995

The committee met at 1007 in room 228.

INTENDED APPOINTMENTS

GARY McNAUGHTON

Review of intended appointment, selected by the third party: Gary McNaughton, intended appointee as community part-time member, Ontario Board of Parole.

The Vice-Chair (Mr Tony Martin): Good morning, everybody, and thanks for coming. You have in front of you the agenda for today and the list of witnesses to come before us. You also have a package that was supplied by thepublic appointments secretariat on each of the witnesses today. You also have in your package some information that was asked for at the last meeting that was prepared by the researcher. We'll start with our first witness, Gary McNaughton. We have a half-hour for each interview, and each of the parties will get 10 minutes to ask their questions. This morning, on this one, we'll start with the Liberals.

Mr Bruce Crozier (Essex South): Good morning, Mr McNaughton. It's a pleasure to have you here. You're a new appointee, of course.

Mr Gary McNaughton: Yes.

Mr Crozier: The new government, the Conservative government, has established a couple of reforms to the way the parole board would operate, and I just wondered, considering all our concern about public safety—a lot has been said in the media in the past, reported, about parolees and problems with parolees—in light of your appointment and the Conservative reforms to the parole board, how you feel and how you feel your role will be on this board.

Mr McNaughton: I think my first concern would be public safety. I have not been briefed on the board, so I can't further comment on that.

Mr Crozier: Well, you must then—did you apply to be on the board?

Mr McNaughton: Yes.

Mr Crozier: Then I assume, or may I ask, since you applied to be on the board, you must bring some personal viewpoints as to our current parole system, or our past one, and what you look for, what you would do, what you might add to the parole board.

Mr McNaughton: I've been in business for 30 years, I've interviewed people, I've made key decisions in business, and have been very successful at it. So for that, I think I can overlook the information given to me and do a reasonable job in assessing the problem.

Mr Crozier: I appreciate your experience in business, but dealing with criminals is hardly a business decision. I'm still trying to get at how you feel personally, what kind of attitude will you bring to the board, and what benefit will your sitting on the board be?

Mr McNaughton: I just don't know how to answer that, because I haven't been involved with the parole board and I haven't read a lot about it. I think in my position that I would bring to the board a benefit in making decisions, suggestions, the way to improve things and to work with the other members.

Mr Crozier: So you have no preconceived attitude—

Mr McNaughton: No.

Mr Crozier: —towards what the leniency of the board should be, how tough the board should be. You have no preconceived—

Mr McNaughton: Like I said, I think my first concern would be public safety.

Mr Crozier: I don't want to put words in your mouth, but does that mean that you would consider yourself then a tough person when it comes to parolees?

Mr McNaughton: I would be tough, but I'd have to assess the person on the information I have at hand. Yeah, I think tough would be probably my—

Mr Crozier: Thank you.

Mr Rick Bartolucci (Sudbury): Good morning, Mr McNaughton.

Mr McNaughton: Good morning.

Mr Bartolucci: Just a couple of general questions. I read your resume and was impressed by it, certainly. Do you have any experience on the police services board in Newbury?

Mr McNaughton: No.

Mr Bartolucci: Have you ever sat on a grievance committee or an arbitration committee?

Mr McNaughton: No.

Mr Bartolucci: Then I'd like to go back to what Mr Crozier was asking, because I think you have some personal strength that you want to say. What are those qualities that you feel you bring to the parole board that will make it better because of your attendance on the board?

Mr McNaughton: Well, I think my community work. I'm involved in minor hockey; I was president there, I was president of the Elks club, I'm a strong Mason, I've been involved on a church board, and through all these things I've seen where you need community support.

Mr Bartolucci: Are you in favour of Bill C-68; are you opposed to Bill C-68?

Mr McNaughton: I'm not familiar with Bill C-68.

Mr Bartolucci: The gun control bill? Maybe by a different title?

Mr McNaughton: Yes. Am I in favour of it? Yes, I am.

Mr Bartolucci: Are you in favour then of the penalties that C-68 outlines in its recommendations?

Mr McNaughton: I'm not familiar with those.

Mr Bartolucci: I'd just like to zero in on one case, and if it's unfair, tell me it's unfair, and I'll understand that. But in Sudbury, you will know, as certainly members of the committee will know, a police officer was killed, Joe MacDonald. I'm a past member of the police services board so I take this murder very heavily within my heart because I know the family. I'm wondering, if you read the release of Clinton Suzack, what fundamental errors do you feel the board of parole made in releasing him the first time?

Mr McNaughton: I have not read it. I'm familiar with the case but not familiar with what they were assessing. What I'd like to say is that they may not have had enough information. I'm not sure of that.

Mr Bartolucci: That's fine. Just maybe one last question, because an error that was made by the parole board was certainly they didn't read the material, and I'm wondering, for hardened criminals, as Clinton Suzack was and is and always will be, can you give this committee the assurance that you will check out every factor when someone comes up for review and take the advice of competent, qualified civil servants who offer recommendations?

Mr McNaughton: I certainly would, because that's part of my reason for being on the board, that I don't do anything unless I do a complete and thorough job.

Mr Bartolucci: Then one final question to that would be, would you agree with the recommendations or the direction stated by staff in deciding whether or not to release someone from the board?

Mr McNaughton: Could you repeat that, please?

Mr Bartolucci: Sure. No problem. Would you use the advice or the recommendation of staff in determining whether or not a criminal should be released?

Mr McNaughton: Yes, I would.

Mr Bartolucci: As the determining factor?

Mr McNaughton: Not as the determining factor. The determining factor would be that plus all the information that I had gone through.

Mr Bartolucci: Thanks very much, Mr McNaughton.

Mr McNaughton: You're welcome.

Mr Crozier: How much longer do we have?

The Vice-Chair: You've got about two minutes left.

Mr Crozier: I have one more then, Mr McNaughton. Since you weren't familiar with the particular case Mr Bartolucci mentioned, has there been a case or a time when you felt the parole board made a mistake and released a criminal prematurely?

Mr McNaughton: No, there hasn't.

Mr Crozier: There hasn't been?

Mr McNaughton: Not to my knowledge. I've not seen it.

Mr Crozier: That's not to say—

Mr McNaughton: That's not to say that it hasn't been done, right.

Mr Crozier: Okay. That's fine.

The Vice-Chair: We'll move on then to the third party and Mr Kormos, if he'd like to ask a few questions.

Mr Peter Kormos (Welland-Thorold): Well, bless you, Chair.

The Vice-Chair: You have to up to 10 minutes. You don't have to take it all.

Mr Kormos: Let me know when I'm around nine and a half.

The Vice-Chair: Okay. We'll lay the gavel down.

Mr Kormos: Don't lay the gavel down, just let me know. Morning, Mr McNaughton.

Mr McNaughton: Morning.

Mr Kormos: Did you apply specifically for this position or did you just throw in a generic application for any little job that might be sent your way?

Mr McNaughton: No, no. I wanted this parole board.

Mr Kormos: Well, what motivated you to do that?

Mr McNaughton: Because I'm concerned for the community, in our community and all communities, to take more interest in what is going on in the public sector.

Mr Kormos: You're aware that it's a judge's job to sentence?

Mr McNaughton: Oh, yes. Yes.

Mr Kormos: What do you think about judges' sentences?

Mr McNaughton: I couldn't comment on that.

Mr Kormos: You don't want to comment or you have no—

Mr McNaughton: I don't like to comment at all.

Mr Kormos: Well, you've got an opinion on it.

Mr McNaughton: I have an opinion, yes.

Mr Kormos: Well, tell us what it is.

Mr McNaughton: I think the sentences are too light.

Mr Kormos: I trust then that as a member of the parole board, you'd want to rectify that.

Mr McNaughton: No. That would not be my position to do that.

Mr Kormos: Your opinion then, being what it is, how would that affect your role on the parole board?

Mr McNaughton: It wouldn't affect it.

Mr Kormos: How could it not?

Mr McNaughton: Because I'm only going to go by the information that's put in front of me, and it's not my duty to be judge and jury.

Mr Kormos: You agree with the concept of statutory remission, don't you?

Mr McNaughton: I'm not familiar with that.

Mr Kormos: Exactly what is it about your background that makes you an appropriate candidate for the parole board?

Mr McNaughton: Because I've been a strong community leader, strong in business, and I'm interested in the public safety.

Mr Kormos: I understand that. Have you been involved in victims' programs?

Mr McNaughton: No. No, I haven't.

Mr Kormos: Have you been involved with victims of spousal abuse?

Mr McNaughton: No, I haven't.

Mr Kormos: Because you know that any number of people coming up for parole are going to be people convicted and sentenced for having abused their spouses.

Mr McNaughton: Right.

Mr Kormos: You've been involved with the court system?

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Mr McNaughton: No, I haven't.

Mr Kormos: The John Howard Society is a volunteer program, huh?

Mr McNaughton: Yes.

Mr Kormos: Where you work with people in the correctional system. Been involved with that?

Mr McNaughton: No.

Mr Kormos: Ever applied?

Mr McNaughton: No.

Mr Kormos: Have you ever met with activists in your community who are concerned about, once again, spousal abuse?

Mr McNaughton: No, I haven't.

Mr Kormos: Have you ever worked with young offenders?

Mr McNaughton: No, I haven't.

Mr Kormos: You've been in courtrooms?

Mr McNaughton: Oh, yes.

Mr Kormos: You've witnessed the process in the courtroom?

Mr McNaughton: Yes.

Mr Kormos: What drew you into the courtroom?

Mr McNaughton: I was there as a witness.

Mr Kormos: For the crown attorney?

Mr McNaughton: Right, yes.

Mr Kormos: For the prosecution?

Mr McNaughton: Yes.

Mr Kormos: Were you the victim of a crime?

Mr McNaughton: Yes.

Mr Kormos: Have you ever attended court to testify on behalf of an accused?

Mr McNaughton: No, I haven't.

Mr Kormos: Have you ever provided a character reference for an accused person who might have been convicted?

Mr McNaughton: Yes, I did.

Mr Kormos: What was that circumstance?

Mr McNaughton: That circumstance was a young fellow who got in a car accident and supposedly he was drinking and driving. They wanted a character witness for him.

Mr Kormos: Was he convicted?

Mr McNaughton: He was convicted.

Mr Kormos: He wasn't "supposedly" then; he was drunk?

Mr McNaughton: Well, I guess he was over the legal limit, yes.

Mr Kormos: A friend of yours?

Mr McNaughton: No, he wasn't.

Mr Kormos: Somebody you knew?

Mr McNaughton: Yes, he went to our church.

Mr Kormos: One of your church colleagues. You've been involved in minor hockey. You're the president of the Elks Lodge, right?

Mr McNaughton: Yes.

Mr Kormos: A member of St John's Anglican Church.

What sort of criteria do you think a parole board member ought to consider when he considers whether or not to grant parole?

Mr McNaughton: There, again, it would depend on the person and the information that I had in front of me.

Mr Kormos: What sort of things would impress you by a person applying for parole?

Mr McNaughton: I guess I couldn't answer that.

Mr Kormos: Surely you've reflected on it. You have this passion to be a member of the parole board.

Mr McNaughton: I can't answer that.

Mr Kormos: You've never reflected on that?

Mr McNaughton: I would reflect on it when I read the information with regard to the person.

Mr Kormos: When did you make this decision to apply to be a member of the parole board?

Mr McNaughton: It must be two months ago.

Mr Kormos: Some time after June 8?

Mr McNaughton: Yes.

Mr Kormos: After the last provincial election?

Mr McNaughton: Yes.

Mr Kormos: You had never applied earlier?

Mr McNaughton: No.

Mr Kormos: Why not?

Mr McNaughton: Because I was never offered the position to participate.

Mr Kormos: Because you were never offered the position. Who offered you this one?

Mr McNaughton: Bruce Smith called me and asked me if I would be interested in serving.

Mr Kormos: Bruce Smith?

Mr McNaughton: MPP.

Mr Kormos: Oh. Elected on June 8?

Mr McNaughton: Yes.

Mr Kormos: Friend of yours?

Mr McNaughton: No.

Mr Kormos: He obviously knew you.

Mr McNaughton: We knew each other, but not as friends.

Mr Kormos: He wasn't an enemy?

Mr McNaughton: No, but he knew that I was interested in the community and he wondered if I would be interested, so I put my application in.

Mr Kormos: You knew him before the election?

Mr McNaughton: Yes, but not—

Mr Kormos: Of course.

Mr McNaughton: Yes. I'd met him, sure. I met him at the summer barbecue they have.

Mr Kormos: The summer barbecue?

Mr McNaughton: Yes, they have one in the—

Mr Kormos: The political event?

Mr McNaughton: Yes, the political event.

Mr Kormos: And you had participated in that?

Mr McNaughton: Yes.

Mr Kormos: It was a fund-raiser?

Mr McNaughton: Yes.

Mr Kormos: For which party?

Mr McNaughton: Conservatives.

Mr Kormos: Of course, because you're a Conservative supporter, aren't you?

Mr McNaughton: This time I was, but I'm not always, no.

Mr Kormos: Please, these people would very much like to know. If you were one but aren't any more, they may have to reflect on whether or not they're going to respond appropriately. You supported your Tory candidate?

Mr McNaughton: Yes.

Mr Kormos: You knew him prior to the election?

Mr McNaughton: Yes.

Mr Kormos: You knew him subsequent to the election?

Mr McNaughton: Yes.

Mr Kormos: You support the goals of this government?

Mr McNaughton: Yes.

Mr Kormos: Or else you wouldn't have supported him, right?

Mr McNaughton: That's right.

Mr Kormos: You wouldn't have been involved in fund-raising for the Conservative Party, isn't that right?

Mr McNaughton: That's right.

Mr Kormos: Among other things, that's what your participation was, this barbecue, wasn't it?

Mr McNaughton: Yes.

Mr Kormos: Now, Mr Smith approached you suggesting that you'd be a good parole board member?

Mr McNaughton: He said there were vacancies on the parole board and would I be interested in applying?

Mr Kormos: What about any other number of positions?

Mr McNaughton: He never mentioned those.

Mr Kormos: What if you crapped out in your application for the parole board? Would there be something else there?

Mr McNaughton: I have no idea. I can't answer that question.

Mr Kormos: Mr Smith obviously thought you had all the right stuff to be a member of the parole board, huh?

Mr McNaughton: Yes.

Mr Kormos: And you agreed with him.

Mr McNaughton: Yes.

Mr Kormos: Because it's about time to bring some law and order back into the system, huh?

Mr McNaughton: No.

Mr Kormos: No?

Mr McNaughton: My main thing is that I'm interested. I think there's law and order in the system now, from what I see, but I'm interested and I would like to be given the opportunity to work with the parole board and put forward some—maybe I'll have better ideas or different ideas.

Mr Kormos: What might those different ideas be?

Mr McNaughton: Because I've never been on the parole board, I can't answer that.

Mr Kormos: But you thought you might have different ideas, okay? Or better ideas?

Mr McNaughton: Not better.

Mr Kormos: Well, you wouldn't want to be just another one of the same. I mean, if you're motivated to be on the parole board, clearly you think you can do a better job than any other or else you'd relinquish the position to somebody else.

Mr McNaughton: Yes.

Mr Kormos: So you're confident you can do a better job than the other persons who might be candidates, right?

Mr McNaughton: Yes, I'd say I could.

Mr Kormos: What is it about your views about parole that convince you you could do a better job?

Mr McNaughton: I think I have the aptitude to dig through information, work hard at it and come up with a reasonable assessment of parolees.

The Vice-Chair: Your 10 minutes are up.

Mr Kormos: I thought you were going to tell me when I had 30 seconds left.

The Vice-Chair: You were in full swing there when it came 30 seconds and I didn't want to cut you off because I knew how nasty you can get.

Mr Kormos: Just warming up, Chair.

The Vice-Chair: We'll move on to the government side.

Mr Bob Wood (London South): Perhaps I might lead off with the first question. I might say that I think it's very refreshing to see such an excellent representative of rural and small-town Ontario being put forward for this position. That's an area of our province that isn't

always well represented on every board, and I'm very pleased that this name has come forward today.

A number of questions earlier had touched on your work experience, and it's obvious that a number of things you've done would be an asset to the parole board. Is there anything else in your work experience, other than what you've already explained to the committee, that you feel would be helpful to the parole board?

Mr McNaughton: No.

Mr Bob Wood: Thank you. Those are my questions.

The Vice-Chair: Anybody else from the government?

Mr Gary Fox (Prince Edward-Lennox-South Hastings): You've basically answered my question in a lot of ways, but what is really your interest in serving on this board? You've mentioned public safety, but could you speak further on that, as to how you feel about how the system works today and where it should be going?

Mr McNaughton: Public safety is my number one concern, but the other thing is that I think maybe a little more in-depth study or review of the parolees who are getting out would be more helpful and maybe no errors would be made, or not as many.

The Vice-Chair: Any further questions from the government side?

Mrs Lillian Ross (Hamilton West): Yes, I'd like to ask a question if I could.

The Vice-Chair: Okay, go ahead.

Mrs Ross: I understand you have some involvement in the community, but I wondered how you felt your community involvement would enable you to fulfil this position on the parole board.

Mr McNaughton: I think I have a pretty good overview of what people are thinking in the community and I think this of course helps you understand how everything is going.

Mrs Ross: Your community involvement's been with, I think I read, hockey associations and—

Mr McNaughton: Yes, and the Elks Lodge, churches. I coach minor hockey.

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The Vice-Chair: Any further questions?

Mr Douglas B. Ford (Etobicoke-Humber): Yes, I have a question here. Mr McNaughton, I read the backgrounder on you here: owner and operator of McNaughton Automotive and Home Hardware and Radio Shack; employee at McNaughton Automotive and Home Hardware; owned and operated several laundromats; auditor for the Ontario Egg Producers' Marketing Board; owned and operated Newbury Superior Grocery Store; owned and operated Glencoe Creamery. In the backgrounder you have: member of the Elks Lodge, Masonic Lodge and Glencoe Rotary Club. So with all these backgrounders you have here, I imagine, seeing you owned these businesses, you were hiring people and getting involved in the community aspect of things, you probably came in contact with people who had been in jail.

Mr McNaughton: Oh, yes.

Mr Ford: You've probably talked to them, experienced a little background on them, found out how they worked in your organization, if you hired them or if you didn't hire them. All I'm asking you, with this background, which I think is good, because you're right down into the heart of the community with people—and I think that's a good background to have when you're in one of these types of jobs—and you're concerned with the community, is, what are the greatest strengths you feel you bring to the parole board here?

Mr McNaughton: I think my greatest strength of course is that through business and through all my associations I am able to communicate my skills with other people.

Mr Ford: With this background in your business experience and hiring people and working with them if you did hire them, you maybe have a little insight into what their thinking is, because I know myself I've had a tremendous experience with this type of thing and with the background. I found some to be very positive and others to be very negative. Have you run into this type of situation?

Mr McNaughton: We have many customers now—I can think of eight or 10—who have done time and have come out and they're now good customers of ours and good in the community. We socialize with them all the time in business and they don't seem to be getting in any more trouble, so the system works that way, anyway.

Mr Ford: So you figure you're fully qualified to handle this position?

Mr McNaughton: Oh, yes.

Mr Ford: Thank you. No more questions with myself.

Mr Kormos: I'll use the remnant of the time.

The Chair: No, there's still Mr Newman up.

Mr Dan Newman (Scarborough Centre): Mr McNaughton, with your busy schedule, involved in the community and being the owner-operator of your own business, will you be able to find the required time to visit the various correctional facilities in your region and to attend the required six meetings per month?

Mr McNaughton: That was the one thing I thought about, but I have a son who has taken over, so it gives me the time. That's why I've never gotten involved in anything like this before, because I couldn't get away from business. But now I have my son who runs it, yes.

Mr Newman: Okay, that's fine.

Mr Frank Klees (York-Mackenzie): Mr McNaughton, you're in business with a lot of experience in the community, a lot of contacts in the community. From time to time, have you heard people talk about the parole board or the parole system in the province and express concerns about it in any way?

Mr McNaughton: I believe the only time I've ever heard it mentioned was the Suzack case in Sudbury.

Mr Klees: What were people saying at the time?

Mr McNaughton: They thought the parole board did a very poor job.

Mr Klees: When you heard that discussion taking place, what was your view? Did you agree with that?

Mr McNaughton: Yes, I would have to agree that I think it was a poor job done by the board.

Mr Klees: Given that particular situation, had you been on the parole board at that time, how might you have conducted yourself differently?

Mr McNaughton: Given that same situation, I hope that I would have studied the information carefully enough that I would not have made that mistake.

Mr Klees: When you say "studied it carefully enough," what does that mean?

Mr McNaughton: I think, as I read somewhere, that they didn't have enough pertinent information or they didn't study it well enough and they made an error in their judgement.

Mr Klees: Placing yourself into the position of being on the parole board, how would you know when you've got enough information? Not having been there before, you're subjected to basically getting a brief. How would you ensure that you got the information necessary to make a decision?

Mr McNaughton: I think if I went through the information I had and I felt that there was not enough information there to make a decision, I would not make that decision until I got more information from whatever source I had to get it.

Mr Klees: Okay. Just one last question: Apart from this particular case, have you ever heard of any crimes being committed by people on parole?

Mr McNaughton: Yes.

Mr Klees: What is your view? Whose fault is that? Is that something that could be prevented by the system in general? Is it a problem of the courts? Is it a problem of the parole system?

Mr McNaughton: I don't think anybody is going to eliminate the problem 100%. It's impossible. But particularly parolees out—you're going on the facts you have. Maybe some people are going to be criminals all their life. That's the way it is. But there are always going to be people getting releases who will commit a crime again, the petty theft type.

Mr Klees: If you are confirmed in this appointment, you may find yourself in a situation of being accused of having given parole to someone who ends up committing a crime. How do you defend yourself in a situation like that?

Mr McNaughton: If I did my very best job, had all the information, that's the only way you can defend yourself. It's not always going to be a perfect system, but it should be near perfect if given the proper information.

The Vice-Chair: Okay. That's it. Time is up for the government side. I want to thank you, Mr McNaughton, for coming forward today.

Mr Bartolucci: We have a minute or so left. Can we go back and ask him additional questions?

The Vice-Chair: That's fine.

Mr Bartolucci: I'd like to follow up on what Mr Klees was talking about, because it's something that really is meaningful to the citizens of Sudbury, in fact to the region of Sudbury, and I don't want it to be a political-type thing, because it's too serious for that. You overheard some discussion about the Suzack release and you wouldn't have done the same thing. I mean, you repeated what I said when you didn't know anything about the Suzack case. So I'm going to ask you again, what part of the Wein report would you have accepted with regard to the Suzack case?

Mr McNaughton: I'm not familiar with the Wein report.

Mr Bartolucci: You didn't hear that discussion? Seriously, Mr McNaughton, and I want to be fair to you, how familiar were you with the Suzack case?

Mr McNaughton: I read it in the paper and I heard people talk about it. I have not studied the Suzack case.

Mr Bartolucci: One final question.

The Vice-Chair: That's it. Your time is up.

Mr Kormos: The balance of my time—

The Vice-Chair: Your time is up. Thank you very much, Mr McNaughton. We'll now call on Mr Godfrey to come forward.

PAUL GODFREY

Review of intended appointment, selected by official opposition party: Paul Godfrey, intended appointee as part-time member, University of Toronto governing council.

The Vice-Chair: Welcome, Mr Godfrey. Please make yourself at home. We'll start with the third party this time. Mr Kormos.

Mr Kormos: I'm going to begin my scathing attack on Mr Godfrey by trying to elicit from him the confession that he's a member of the Progressive Conservative Party.

Mr Paul Godfrey: I have been since birth.

Mr Kormos: I think it was prenatal.

Mr Godfrey: If you spoke to my mother, she would acknowledge that.

Mr Kormos: Quite frankly, I am surprised that Mr Godfrey has been brought before the committee. He's a Tory. It's apparent. It's no secret. I don't agree with many—heck, I'll go further than that, not even most; I'll go so far as most—with most of his political views. There should be no secret about that. I don't agree with the occasions when the Toronto Sun has criticized me or my party. On one occasion, their page 57 photo was far more illuminating that it has been before or since.

1040

Mr Klees: How about page 3?

Mr Kormos: It's no secret that if page 3 weren't there—Mr Godfrey knows this, and I won't even bother asking him—it would significantly impact on the circulation of that paper.

But quite frankly, and I'm being very candid and let the chips fall where they may, he's got a background that demonstrates management and leadership in a number of areas. He has been the Metro chair. You look at his CV and he has been involved, as far as I'm concerned and aware at least, responsibly in the leadership of a number of commissions.

Notwithstanding that I don't agree with any number of things that he may have espoused or supported, and notwithstanding that the position—so what? It smacks of political patronage. So be it. But patronage, when it encompasses somebody who has competence, is not the worst thing in the world.

I am surprised that he has been brought before the committee, in that he's an extremely public person. There are probably parts of his life that aren't public, and they probably should remain that way. I'm surprised that this committee is using its time to make inquiries of somebody like Mr Godfrey.

I have no intention of raising mundane questions that will elicit answers that are not only known to me but to most of the public. I'll leave it at that and reserve the balance of my time, because I'll be darned if I'll give it to either of the other two caucuses.

The Vice-Chair: Okay, thank you, Mr Kormos. We'll move, then, to the government side. Who wants to lead off over there?

Mr Bob Wood: The one question I want to ask Mr Godfrey is this: You've obviously had very wide business experience—and I share the view expressed earlier that you are a very highly qualified appointment—what aspects of your business experience do you think are going to be most helpful in your work with the University of Toronto?

Mr Godfrey: I believe my experience, especially in the financial area—we all realize that we're going through a period of very tough financial times in not only business but all the various institutions that we all admire. Because of that, I think that probably will be the greatest strength I can be to the university as they have not only to manage a limited budget but also to make an appeal to the public at large through any fund-raising to supplement that.

Mr Newman: I have a question for Mr Godfrey. Can you explain why you agreed to serve on the governing council of the University of Toronto?

Mr Godfrey: I was asked by Mr Comper, who's the chairman of the governing council. I was quite surprised to receive a call. I did not accept his and Mr Prichard's invitation immediately. Time is my greatest enemy. There's just not enough time. I'm running a very thriving business in two countries and have a number of outside activities. I sit on a number of outside boards.

It really came down to the situation that I recognized, number one, the importance of the university to the province of Ontario and to Metropolitan Toronto. I am a graduate of that fine institution, and I decided that I was going to squeeze a little bit more into a very busy schedule. It was only after a couple of weeks of deep contemplation and discussions with my family, and the necessity of time being critical, to spend a little time with the university as well.

Mr Fox: I had a question for this gentleman, but you've answered it very capably and, in agreement with Mr Kormos, I will pass. I have no further questions.

Mr Kormos: Yours I'll attribute to expediency; mine I'll attribute to candour.

Mr Fox: You've got us reversed.

Mr Ford: As a member of the University of Toronto governing council, do you think the University of Toronto is managed with efficiency and accountability with their funds? An honest answer on that.

Mr Godfrey: Do you mean to date?

Mr Ford: To date.

Mr Godfrey: I can only tell you from a distance. I do not have a lot of contact with the day-to-day activities of the university. I think that most of the institutions, from my perspective, are doing an excellent job at this point in time. I think that over the years they've been somewhat strapped by the inability to raise funds due to tough economic times.

Mr Ford: I'm talking about the University of Toronto, though. Do you think it's run efficiently in accountability?

Mr Godfrey: To my knowledge they are.

Mr Kormos: Nuts.

Mr Ford: What's that?

Mr Kormos: I said nuts.

Mr Ford: We realize certain aspects I think. We're asking questions for answers here. I notice your extensive background and I'm very impressed with it. One thing I am very impressed with is the B'nai Brith—you're associated with that—and the Jewish home. That impresses me. I'm involved in a similar type of thing. Other than that, I have no other questions because I think your background is excellent.

The Vice-Chair: Are there any other questions from the government side? If not, Mr Klees.

Mr Klees: I'll defer to you, Bert.

Mr Bert Johnson (Perth): Your background is impeccable for this position, Mr Godfrey. You were—how would I say?-somebody phoned you and asked you if you would serve, and because there's an element of management and of fund-raising and so on, do you feel that you're inhibited because you have been recruited for only part of that, to help the institution manage its funding in the future?

Mr Godfrey: In any task I take on I never feel I'm inhibited from doing anything as long as I get the mandate to go on. My only reluctance to accepting on the spot was the fact of the dedication of the time required. When I decided I could resolve that, I don't think I have any inhibitions, and people who know me will probably realize that once I get on the board.

Mr Bert Johnson: I'm satisfied with that answer.

Mr Klees: You are involved in many things in the community. We continue to see your name associated with various things that are quite commendable. It's always difficult to comprehend how you could add one more thing to your platter. Are you doing this for the money?

Mr Godfrey: I didn't know there was any money connected with it. I think if there were some sort of remuneration, I probably wouldn't have accepted.

Mr Klees: I raised that—

Mr Kormos: It's the 30% tax break he's looking for.

Mr Klees: I make that point. Mr Godfrey, because I think it's important that everyone fully understand, the public more so. Certainly the people in this room know that this is a volunteer position. I think that what we should be doing is expressing our gratitude to you for being willing to give your time to a cause that, particularly over the next number of years, will be very important to this institution and in fact to the province and to those people who benefit from the success of the university. I just want to go on record as saying that. Thank you for being here today.

Mr Godfrey: Thank you very much.

Mr Kormos: Frank, it's going to take more sucking up than that to be a Sunshine Boy.

Mr Klees: What did it take?

Mr Kormos: Give me a break.

1050

The Vice-Chair: Anybody else from the government side? If not, then we'll move on to the Liberal caucus.

Mr Crozier: Mr Godfrey, I feel that now Mr Kormos has raised it, I should explain to you. He said several times how surprised he was that you were brought before the committee. I made the choice on behalf of the opposition party and I made the choice because I think you are well qualified for this position. I think you will add greatly to the governing council of the university.

At the same time, the motives of some people bringing appointees before the committee are different than others. Mine was to give you an opportunity—and again, I appreciate the time—to speak to some of the issues that you feel universities face today. It isn't often that we get the opportunity to meet appointees such as yourself, and I don't think we should always bring them before the committee just to grill them. I think you can help us in this short time that you can spend with us.

Mr Godfrey: Thank you.

Mr Crozier: That's why there was no ulterior motive. I think you will be an outstanding appointee.

Mr Godfrey: Thank you. I'm honoured to have the opportunity of appearing in front of you.

Mr Crozier: Thank you. That makes me feel a little better. I felt bad at first when Peter started to go after you.

Universities do face some challenges, and I'm speaking generally, although you'll be specifically involved with one. The powers of the governing council, Mr Godfrey, appear to be more in the general administrative—appointing of administrative people, teaching staff, that sort of thing. I couldn't see where the council gets too involved in the actual finances of the university. I wondered if you might address that, how you feel you can bring your expertise to that.

Mr Godfrey: I think the universities themselves are going to be dependent upon doing more fund-raising in the future than they ever have in the past, based on the limitations that not only governments can give but also the limitations that have always been on the tuition side of it.

There's always been a gap, especially at the University of Toronto, which is considered one of the great research universities in the world today. If we're going to maintain the University of Toronto as one of the great research centres and schools of learning, it's going to require involving the public and the corporations in making sure that there is a flow of capital dollars into the university in order to do the things that are necessary to keep it as one of the great universities.

I think because of that, the connections with the corporate community in particular, liaising between governments and the university itself, will require individuals who understand not only how the corporate world works but also understand how governments work. I think that's probably the area I can contribute to in that area.

I've had some discussions, when I was asked by Mr Comper to serve, and after I thought about it and agreed, I did sit down with Mr Prichard, the president of the university, to discuss those aspects with him, because it's imperative—if I'm going to participate, it's not going to be just to attend the odd meeting and put up my hand when the staff bring in a recommendation. From my previous involvement both on the corporate side and on the government side, I'm a hands-on player. That's the only way to be.

The fact is, I think over the next several years, governments will be able to do less. I'm not sure, at the level of the individual student, how much more they can give. So there will always be a gap between what is needed and what they have, and I think that's where the citizens who do have some giving power as far as time and finance are concerned can maintain the University of Toronto as one of the great institutions that it happens to be today and hopefully will continue to be in the future.

Mr Crozier: Thank you, Mr Godfrey. I think someone else has—

Mr Bartolucci: Mr Godfrey, it's good to see you again. Mr Godfrey and I worked on several Association of Municipalities of Ontario committees in the past and I've always, always respected his capability and his candour and his dedication.

Mr Godfrey: Thank you.

Mr Bartolucci: Just one question: Do you believe in public performance appraisal mechanisms for universities, so that they can be rated against each other?

Mr Godfrey: It depends on the guidelines you use for that. I think anybody, any institution, any individual, or any company that receives public funds should have an appraisal. I can tell you, in my own company we do management by objectives and we do an appraisal system afterwards to rate how you do against that, so I have no objection to that.

I think one has to be awfully careful in laying out guidelines for doing appraisals and how public they become, because the situation is, if you get different people using different guidelines in rating institutions or individuals, you can come out with great disparities which in fact can be embarrassing. But if it's carefully handled, I have no objection to that.

Mr Michael Gravelle (Port Arthur): Good morning, Mr Godfrey.

Mr Godfrey: Good morning.

Mr Gravelle: I certainly have no doubt that you will be an incredibly effective contributor in terms of your fund-raising activities at the university. Of course, what I'd really like to ask you about is the National Football League, but that's another thing.

Mr Godfrey: I get a lot of questions on that. Whenever I go out and speak on a specific topic, I get more questions on the National Football League than the topic I speak on.

Mr Gravelle: I've been following that aspect of your career.

Mr Godfrey: It's going to happen, sir.

Mr Gravelle: Is it going to happen?

Mr Godfrey: It's going to happen, definitely.

Mr Gravelle: Okay.

Interjections.

Mr Godfrey: He may give you a different—but I tell you, it will happen.

Mr Gravelle: I'll talk to you afterwards. I did want to ask you just a couple of questions in terms of the whole state of where universities are at today and the whole education system.

Yesterday in the Legislature, we had an opposition day which was dedicated to the discussion of tuition fees, increased tuition fees, which we're certainly expecting and are very concerned about; I think probably everybody is. You've made some comment related to it.

Obviously there's been chronic underfunding of universities in perhaps the last seven or eight years in particular, but they've continually been underfunded. Tuition fees have been increasing at a remarkable rate in the last five years in particular. How do you feel in terms of the whole tuition fee issue? Students can only handle so much. It's going to be more and more difficult for them to obviously enter university. The fear I think is that it becomes a place where only the élite go. I just want to know whether you have any thoughts or points of view on that issue.

Mr Godfrey: I think there's little doubt that tuition fees will have to continue to rise as government funding is cut back. I think those who can afford to pay probably should pay more. I think, however, for students who are able to qualify, there has to be continuing assistance programs for them. I think there's a balance that you have to reach in any educational institution. I don't think one can make it unbearable for a student to avoid his education because he can't afford it. I think that cripples society in the long term.

But at the same time I think there's a test. That's one area I would really like to look into and get a little bit more knowledge on before coming to an absolute conclusion. When you compare tuition fees in various parts of this country, they vary all over the place. I have a son who goes to McGill University, for instance, and pays $1,500 a year tuition. I find that remarkably low. If the tuition was double that, I'd pay that. I think taxpayers wherever, whether it's in Quebec or anywhere else, who happen to pay that level of subsidy for my child—I think that's wrong. However, there are probably many on the other side of the ledger who can barely afford to pay and whose child or the student can't afford to pay. I think in those instances, there should be programs for assistance.

1100

Mr Gravelle: It really is an accessibility issue, I think, in that sense.

The Vice-Chair: Mr Gravelle, your 10 minutes are up. I believe the third party is interested in taking up some more of the time that they—

Mr Kormos: Six minutes?

The Vice-Chair: You have just over six minutes.

Mr Kormos: I'm glad you qualified your last comment, because obviously you can afford to pay double that, five times, 10 times that, but when you're working in a factory in Niagara, you can't. Sorry.

Mr Godfrey: I agree with that. That's why I try to say there are two sides to the story.

Mr Kormos: You're undoubtedly familiar with the controversy that has arisen over the course of the last week and a half out of a context at Ryerson here in Toronto, wherein a professor, a part-time professor as I understand it, was identified by the press as having some very unpopular and, to many, repugnant views about the appropriateness of sexual activity between, in his particular context or instance, adult men and young male children, and the subsequent revelation that this part-time journalism professor was a self-confessed prostitute—he made note of the fact that prostitution in this country is not illegal, and he's quite right.

You witnessed the administration of that institution cover the whole spectrum: at first defend their professor, defending his right to academic freedom and to be free to believe in what he believes in and recognizing that this was important to the integrity of the institution. And you witnessed the transition, the movement from that position as—and I don't think there's any question in most people's minds that it was a result of pressure from public exposure and public criticism throughout all facets of the media—to the point where they fold their tents and they say, "Oh, well," some seven, eight, nine, 10 days later, the fact situation really not having changed. We witnessed that same administration then suspending their professor and saying that he will be subject to an inquiry.

What is your view, not about this particular person's views about paedophilia—that's the long and short of it—or about his right to be a prostitute in his part-time—as lawyers and politicians, I suppose we have a certain affinity with prostitutes—but what is your view of the movement on the part of the administration from one of absolute support and defence of the right of that particular professor to have his views and indeed express them, to one then of abandonment and a position which appears to have been a mere succumbing to increased public pressure, and one in which one journalist in Toronto, one Christie Blatchford, yesterday indicated that notwithstanding she disagreed with what this professor professed, she would—I'm not using her words—defend with her—not

her life, but with all her body, his right to say it. In fact, Ms Blatchford indicated this is the first occasion on which she felt moved sufficiently that she would actually sit down and protest, in contrast to her own years some 20 years earlier.

What's your view of the administration's clear transition from one of absolute defence to one of, "Throw this guy to the wolves and cover our own asses," if that's not an inappropriate description.

Mr Godfrey: Mr Chairman, Mr Kormos asks that I not comment on the case but comment on the principle. On the principle of any administrative body making a decision based on additional facts, I guess I believe in the theory that only fools and dead men don't change their minds: fools won't and dead men can't.

The fact is that if new information comes to light and changes the circumstances in which the original hands-off decision was made, then I think that depends on the strength of the new information. As I understand the case, new information was brought to light in that the professor in question acknowledged that he was active in being a male hooker, as he claims.

Mr Kormos: What's your view about the role of—and almost inevitably it's the media. Do you believe an administration should permit itself to be swayed by what could well be increased media pressure or increased media focus? I'm not asking you to contradict what you just said, because you spoke to the issue of new facts arising. Undoubtedly, that will be the convenient out for those at Ryerson who want to justify how they could be in one position one day and in a contrary position the next. Do you think quasi-public bodies like the governing council of a university should in any way, shape or form permit themselves to be swayed by what might be increasingly vitriolic media exposure or pressure?

Mr Godfrey: I'm somewhat amused by the question regarding the media, mainly because I think that all of us are influenced by information, whether it comes from the media, whether it comes from friends, whether it comes from business associates. I think we're all subject to that. That's the world we live in. An administrative body of a university or a legislative body like we have here or any other legislative body, they'll all be influenced by facts that are brought to light.

I think you and I both know, and in my days in government at Metro, that when a story is suddenly revealed about a certain incident, it sends a different focus, it puts a different spotlight on an issue. Consequently, whether it's politicians or whether it's people on a governing council, we'll all react to information that's brought to light.

The danger is overreaction and the danger is reacting without all the facts. It is difficult for any of us to sit here and take a final and conclusive position on any item of importance without knowing all the facts. I have not been made privy to all the facts in the Ryerson case, so it's difficult for me to draw an absolute conclusion. I would hope that, sitting on a body like the governing council of the University of Toronto, I will continue to make decisions based on all the facts.

I have taken, in my years in public life, many unpopular stands. The media took great shots at me, but I happened to know that the facts were different as enunciated in certain segments of the media.

The Vice-Chair: We're finished with Mr Kormos's time, and in fact we want to thank you for coming forward today.

Mr Godfrey: Thank you very much for the opportunity.

1110

JOHN TORY

Review of intended appointment, selected by third party: John Tory, intended appointee as part-time member, University of Toronto governing council.

The Vice-Chair: The next witness is Mr John Tory. Would you come forward.

Mr Bob Wood: Mr Chair, I think that Mr Tory, in fact, would like to make an opening statement, please.

The Vice-Chair: Okay, that's fine.

Mr John Tory: Mr Chair and members of the committee, all I want to do by way of an opening statement is to thank you for inviting me here. In all the time I've spent around this building, it's the first time I've appeared before a committee of the Legislature. I'll let you know afterwards whether that's a privilege or a punishment.

But I'm pleased to be here, and I just wanted to spend two minutes telling you a bit about myself, because I think that one of the things, as most of you would know, that happens when you have some involvement in the political process, which I have, over 25 years, is that people come to see you in one context alone and don't really understand perhaps what you do with the rest of your life.

In my own case, I have a family. I'm married to Barbara Hackett, who was a financial executive and has recently set up her own business building houses. I am a silent partner in that business who's expected to remain silent. I have four children, none of whom are yet of university age, but they're all in school.

In my professional life, I was called to the bar in 1980 and practised law over most of the intervening 15-year period, between then and 1995, at the firm of Tory, Tory, Deslauriers and Binnington where I was ultimately the management partner and a member of the firm's executive committee until I took up my present position in February of this past year, which I'll get to in a moment.

I did take four years out of my law practice to serve as principal secretary to Premier Davis and associate secretary of the Ontario cabinet, but other than that I practised law up until 1995. In February 1995, I was asked to take up a job as president and chief executive officer of Rogers Multimedia Inc and president and chief executive officer of Maclean Hunter Publishing.

Rogers Multimedia owns Maclean Hunter Publishing, which publishes about 50 magazines in Canada. It owns a controlling interest in the Toronto Sun Publishing Corp, which publishes about 70 newspapers, many of which

you're familiar with, and it owns 100% of Rogers Broadcasting Ltd, which has approximately 20 radio stations and a number of interests in television services, the Canadian Home Shopping Network and so on. The company has revenues of approximately $750 million this year. It has about 6,000 employees. So that is what I do in my business life.

I'm a member of a number of boards of directors: the Toronto Sun Publishing Corp, the Financial Post, Maclean Hunter, Canadian Business Media and so on.

I also have made it a very high priority in my life all the way through, including the time when I was very involved in the political process, to be involved in the community. I have been the co-chair on the boards of a number of community organizations over the years. I have been chairperson of a number of fund-raising campaigns: $2.5 million for the Women's Legal Education and Action Fund; I was the vice-chair of a $7.5-million campaign for Osgoode Hall Law School. I just chaired this spring a dinner which raised $350,000 for the Jerusalem Foundation, and I'm presently co-chairing, with a fellow by the name of Tim Griffin, a $20-million campaign for St Michael's Hospital in Toronto. I'm a member of the national board of the Salvation Army and, as such, am deeply involved with them in a number of their activities and I've also been on the Toronto board for a number of years as well.

When I was a student, I was the president of the student council at Osgoode Hall Law School, the first student ever made vice-chairman of the faculty council, which is the body that runs the Osgoode Hall Law School, and I was, after I left law school, the president of the Osgoode Hall Alumni Association for four years.

I really have found these things to be both extremely fulfilling and very important to me in terms of my life and my career and it's one of those things where, as I say, I probably get more attention, good and bad, for having been involved in the political process and for having been involved in the football world than for some of the things you do in the community, and that's fine with me. It's just that I wanted you to know those things so that you know that I bring to this position, which I didn't seek, some record of community service.

So that's really all I have to say. I'm delighted to answer your questions, sir.

The Vice-Chair: Thank you very much. We'll start with the government side, and you have six minutes.

Mr Bob Wood: I think indeed, Mr Tory, you are a very well qualified person for this position. I wondered if I might ask you to explain why it is you've agreed to take on this position, what you hope to accomplish on it and why you feel that you should make this contribution.

Mr Tory: I was approached in the summer—in the spring actually before—probably in about April or May by the president of the university, whom I've known for a number of years, when he was dean of the University of Toronto law school and so on, and asked if I would be interested in this and he indicated of course that the appointment would have to pass muster with the government of the day and he asked me if I would be interested and I said yes I was because, first of all, I think the University of Toronto in particular is an institution that is vital to our future economic and intellectual prowess as a province and as a country.

Secondly, I think they need the help of people from the sort of business and professional community, as well as others, to help them both operate in what I would call the new realities of the 1990s. As well, part of that is to raise more money, and as a graduate of the University of Toronto, I guess when you're asked to come back and help these institutions, similar to the way in which I agreed to be the president of the Osgoode Hall Alumni Association, if you feel you can do it within the context of your other responsibilities, I was pleased to say yes, I was interested because I have great respect for Rob Prichard, I have great respect for the university and wanted to try to help.

Mr Bob Wood: Those are my questions.

The Vice-Chair: Any other questions from the government side?

Mr Newman: Mr Tory, I'd just like to know how you see yourself being able to assist the University of Toronto in its fund-raising efforts.

Mr Tory: The one thing I made clear to Mr Prichard and to Mr Comper, when I talked to them, is that I have a campaign that I'm presently involved in that is raising money for a university-affiliated hospital, so in that sense some of the money may well end up in the research coffers of the university.

But I think I can help them in almost any way that they want. I could be involved in sort of the grass-roots aspect of their fund-raising among alumni, because I'm an alumnus of the university, and if they wanted me to be involved in that particular aspect, that would be fine. I think where I'm more likely to be useful to them is in trying to broaden the base of their corporate support and to broaden it beyond those who perhaps think they have a direct interest in the university because they went there or because somebody they were related to went there or somebody they work with, and maybe help them to cause more people in corporate Canada to understand that the University of Toronto is a vital linchpin to our future economic growth and intellectual development and skills-building in Ontario. If every corporation in Ontario or in Canada supported the University of Toronto as, I'll venture to say, its leading university—and I say that as a graduate of York as well as the U of T—then the university would be much better off and it would be able to cope with the realities of the 1990s a lot more easily than perhaps might be the case today.

So I certainly think I can be helpful to them on the corporate side of fund-raising and on the more grass-roots-oriented side. I'll do whatever they ask me to do; I just said that I don't want to be wearing out their welcome by showing up in both tasks, for money for St Mike's and the university at the same time. So I suspect my university fund-raising involvement might come a little later in the piece, when the St Mike's campaign is done and the $20 million is raised.

Mr Newman: Good. When is the St Mike's campaign over?

Mr Tory: It's over the next 18 months. Neither Mr Comper or Dr Prichard were concerned about that, because I think there are many other roles, of course, that university governors are expected to play in making sure the institution runs on a businesslike basis and helping with just about anything that is appropriate for a governing council to help with. They're not there to run the university day to day, but they certainly are there to make policy decisions and provide guidance and execute the responsibilities that they're given by the Legislature.

The Vice-Chair: Anybody else on that side?

Mr Ford: Looking at the business experience, do you have to achieve its goals of efficiency and accountability in this position?

Mr Tory: Do I think that's important, or can I help with that? I'm sorry, I didn't understand.

Mr Ford: What backgrounder do you have that gives you accountability for this position?

Mr Tory: I think I've had significant management responsibility probably in three different aspects of my own life. One is when I was here in this building, and I think the responsibilities I carried at that time in the Premier's office and the Cabinet Office were very substantial.

Secondly, I was the management partner of one of the largest law firms in the country, so I understand what accountability and businesslike management and so on are all about.

Thirdly, I'm now running a very substantial corporation with 6,000 employees, so in that sense I think that, combined with what I hope is at least a solid, basic understanding of how universities function—because I was involved in university life when I attended two universities—will help me to help them to be accountable and to run things in a businesslike manner.

Mr Ford: This is in the grass-roots aspect too.

Mr Tory: I don't know exactly what you mean by that.

Mr Ford: I see you've got the Salvation Army, Metro Toronto, St Michael's Hospital. Is that in an executive capacity, or is that grass-roots? Have you gone door to door with these people, or just in the executive capacity?

Mr Tory: No, no, I've gone door to door with them and I in fact am very involved in the Salvation Army's door-to-door campaign. It's one of the things I do with them and for them. I do it all as a volunteer, but the answer is yes. But obviously I sit on the boards of those organizations and that is an executive capacity, but I'm being asked to sit on the—

Mr Ford: That's both sides of the—

Mr Tory: Right. I think I understand both sides quite well and have worked on both sides of the fence.

Mr Ford: Okay.

The Vice-Chair: Mr Klees, one question.

Mr Klees: Given the economic realities of the province, obviously there are some major changes that are coming. Do you have a personal vision of the relationship between government and universities as things evolve?

Mr Tory: Yes, I do, in the sense that I think it is fundamentally important that governments, in the broadest sense, provide to the universities a reasonable level of funding to allow them to perform what I think is a vital role that they have to play in both the economic and social development of our society. But having said that, I think that what you determine to be a reasonable level of funding has to be calculated at least partly based on what your means are, what you have available to give them.

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I think that others have to start to play a greater role. I think in fact we've lulled ourselves in the country generally into a false sense of complacency about the role that other people have to play in forming a partnership to support universities, whether it's average individuals who graduated—I think the level of alumni support, for example, for universities in Canada is way lower than it is in the United States. People just don't take that as a part of their responsibility and giving back to an institution from which they took.

I think that corporations, as I said earlier, all have much more of an interest, both a vested interest and a community interest, in supporting universities, and I think that probably the users have to make a greater contribution to the cost of their education.

I heard you talking to Mr Godfrey about that, and again, I think that maybe we should just be a little more imaginative and use the tax system, for example, to a greater extent in order to ensure that users who can afford to pay more should pay more. You don't do that by having a means test; you simply do it by giving people a T4 slip. It's just a crazy idea I have and there'll probably be people blanching in the front row over there when I advance this to you, but give people a T4 slip and say, "Look, the value of the education you received from the taxpayers, their contribution, was this." If you're at a low income level and therefore you don't pay any tax, then you won't pay anything on that. If you're at a high income level, if my children are getting that benefit, then I will pay more, and I'm quite happy to pay more because I think it's vital for them, if they can and if they want to, to get a university education.

So I think that things are going to have to change, but—

The Vice-Chair: I wonder if I could stop you there. We're running out of time, and you'll probably get a question to that effect over here anyway. It seems to be one that's appropriate at the moment.

Mr Tory: I'm in your hands, sir.

The Vice-Chair: So we'll move to the Liberal caucus and continue on.

Mr Bartolucci: Mr Tory, just two questions. One would deal with the Ontario Council of Regents and the Ontario Council on University Affairs. Because of your strong business background, clearly, do you see some day when they'll have to come together and become one council?

Mr Tory: I would say probably yes, although I don't know a lot about it in answering the question. I would

also say that I think the universities in this province have to start acting more like partners too, instead of competing with one another, which I think is what often goes on now.

One area I know something about is legal education. There are too many law schools and they're graduating too many lawyers, and I don't just say that because of any self-interest I have; I don't have one any more. I think that's because everybody wants to keep their own law school. No one wants to give theirs up.

We have to start seeing the whole system operating in a much more partnerlike fashion so as to allocate scarce resources, public and private resources, in the best way possible and make sure these universities aren't competing with each other. There's a certain competition that's healthy, so without knowing much about those two bodies beyond some vague recollections I have from the days when I was here, I would have said that that might well make sense and that you could have panels of one body that could consider special issues that are relevant only to the colleges or only to the universities. But when it comes to post-secondary education, you should try to look at it in a holistic way.

Mr Bartolucci: Terrific. With regard to jurisdiction and distance education—because obviously universities compete with each other—should there be a defined catchment area for each university?

Mr Tory: I'm sure there's a great deal of background to that issue that I don't know anything about, but if you ask me for my own answer to the question, based on limited knowledge, I would say no. I think people in the country, students in the country have to have the freedom to attend whatever university they are qualified to go to. Again, if you go along with what I said earlier and you start to better allocate your resources so that you won't have a law school within walking distance of every student, then it would be unfair to say, "Well, since there is no law school in such-and-such a place and you live within 50 miles of that university, you can't go somewhere else."

I think people have to have the freedom to go wherever they want to go to pursue their education, obviously within the bounds of the capacity of that institution to absorb them.

Mr Bartolucci: Here's one final question: What's your definition of "distance education?"

Mr Tory: I'm not that familiar with the concept in detail. I presume by that that you're talking about distance education as being something where people don't have to attend the institution in order to study.

Mr Bartolucci: The availability of courses which happens from the university to—

Mr Tory: My definition of it I think is almost boundless in 1995, because with the advent of the technology that I'm very much involved in in my business life, it now makes it possible, indeed desirable, both from a cost standpoint and an accessibility standpoint for disabled people and others who live in rural areas that distance education should be something that has no limitations on it in terms of, if you can deliver it by technology, which you now can to anybody who has a phone line or a cable line into their house, or a satellite dish, you should be able to study. If that's sort of what your question was getting at.

Mr Bartolucci: Beautiful. Thanks very much.

Mr Gravelle: Good morning, Mr Tory. I just want to follow up perhaps a bit more on what you were talking about before the time ran out previously. It's certainly a concern that I have, and we were discussing it with Mr Godfrey as well. It was the whole question of access to post-secondary education by people today and the concern that as a result of clearly what are going to be potentially massive increases in terms of tuition fees, with deregulation on the horizon and the concerns about underfunding, possibly the universities are becoming simply places for the élite.

You were talking about one thing, as you said, that the front bench might not like, but I am just wondering if you want to expand on that or give me any other ideas that you have in terms of how we can make sure that doesn't happen. Because I think it would be a sad thing for our society if that's where we went.

Mr Tory: I don't necessarily want to expand, sir, on my idea, which is just an idea. It's a way in which you can progressively try to make some people pay more than others, those who can truly afford it, based on their taxpaying position.

I guess one of the other things that I sometimes look to as a bit of a model on these things is—because I believe that equality of opportunity and equality of access to post-secondary education of any kind is vitally important, again, to building the province and to allowing everybody who has the ability and the desire to have that access—maybe you could look at setting up something like the Trillium Foundation, which is funded, I think, by lottery proceeds and saying that you're going to have a fund there that makes bursaries available to people who have the skills and the desire but not the financial resources.

But I think it's vital that we not put people in a position either where they bankrupt themselves going through university and end up paying it off for the rest of their lives or where they can't get in or don't even bother to apply to get in because they can't afford the fees that are so high.

Another option, I suppose, is to allow people a much longer period of time over their working lives to pay it back. Another option again is to make people like me who did graduate—I don't know if you could do this retroactively—pay back the cost of their education over time if they're out working and paying taxes. There's a whole lot of things, but I think we have to be imaginative about it.

Mr Gravelle: Do you consider that one of your roles in terms of the roles you'll be taking on? Will you be putting those ideas forward? Do you see your aim more specifically to work with the governing council of the U of T, or do you see your role in a broader way?

Mr Tory: Look, I'm there to help in whatever way I can. If part of what I can do is to throw ideas on the

table that result from my limited imagination on these kinds of things, then I'm happy to do that. But I see my role principally as to help the university run its affairs better and to raise money and encourage more private sector partnerships and generally just improve the excellence of the institution.

You asked earlier, or somebody did, about ranking institutions. One of the magazines I'm responsible for, Maclean's, ranked the U of T number one. I guess the challenge, if that ranking is justified, is to keep it there. So I would say that's what I'm there to help them do, to stay number one.

By the way, they ranked them first before I was appointed to the governing council.

Mr Gravelle: You're not taking credit for that?

Mr Tory: No. I may have to declare my interest next year somewhere or other. I'm not sure how this all works.

The Vice-Chair: Anybody else on the Liberal side who wants to ask a question of Mr Tory?

Mr James J. Bradley (St Catharines): Are you now, or have you ever been, a member of the Progressive Conservative Party?

Mr Bob Wood: That question could be repetitious.

Mr Tory: That's right. Yes, I have been and, yes, I am and, yes, I will continue to be.

The Vice-Chair: Then we'll move on to the third party.

Mr Kormos: Mr Tory, unlike the previous Tories who were here this morning, your history is one of very active partisan involvement during the course of campaigns; indeed, campaign manager, it would be appear to be, for Brian Mulroney and then Kim Campbell; Ontario campaign chair in 1987.

It appears you sat out the 1995 election with Mike Harris and the Tories here in Ontario. Is it because you didn't think they had a snowball's chance in hell of winning, or you disagreed with their Reform Party policies?

Mr Tory: In fact, I was of some limited assistance to them where I could be. I think it's healthy in political parties and in any organization that there be new people brought in. I certainly have worked in 20 election campaigns, so I don't think I had any shortage of involvement over the last 25 years.

I helped them, to a limited extent, when I was asked to do so. I also felt, quite frankly, that in view of my position now as the chief executive officer of a media company, probably my high-profile days in politics should come to an end, or at least be substantially curtailed, because people might misunderstand those two things together. That, I guess, answers your question as best I can.

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Mr Kormos: Again, I have no quarrel with you having been a Tory by name and by religion for a long time, by God, back to law school days, if not earlier.

You talked about users being responsible for paying a greater portion of their post-secondary school education. What do you say to the young people of where I come from, down in Niagara, with among the highest unemployment in all of Ontario and with parents who make far less, quite frankly, even than I do, never mind than what you do, and whose jobs are in great jeopardy? I appreciate your neat little T4 formula, but in the short term—we're talking about right now and you know what the commitment of this government is in that regard—what do you say to those young people who simply can't afford any increase in tuition?

Mr Tory: I say to them that I think they should look to us—and I say "us" in the broadest sense, the political leaders, the corporate leaders, the professional leaders and others—to find as quickly as possible solutions that do not lie in the simple allocation of government money we don't have to fund the cost of education in such a manner that tuition fees don't have to rise to unacceptably high levels.

I don't happen to believe that even a significant increase imposed now over time would be unacceptably high. I agree with you, there would be people who would still find that burdensome, but if you look at the cost of education anywhere else, I'm not sure that the proportion of the cost paid by the people using the system has risen in parallel with the cost of the system.

But having said that, I don't believe that share should be doubling or tripling so that individual people, including those who are not of means, have to pay four times as much proportionately, but I do think that we can't fool ourselves any longer into thinking that can be paid for with borrowed money. Those same taxpayers, the same people you're talking about who work and don't make very much money are paying the taxes to pay the interest on the debt.

So I guess what I'm saying is, I think we all have to be more creative, not just in coming up with schemes, whether they're crazy ones like my T4 scheme, but coming up with imaginative new ways to raise money specifically for assistance to students who can't afford to attend university. That may be the kind of Trillium fund idea or it may be more fund-raising by universities, which I'm committed to helping with. I don't know, but I think that we have an obligation to be a bit more creative than to say the solution rests in simply taking more government money that we don't have and just allocating it, because everybody says that. The health care system says that, the public school education system says that, and there just isn't the money there.

Mr Kormos: You talked about U of T being rated number one and your commitment to ensuring that it maintains that rating. How do you respond to the proposition that it's the promotion and development of non-Toronto-based universities, universities like Brock, for instance, where you get a far bigger bang for your buck, talking about the costs of maintaining those facilities in smaller communities and where they're far more accessible to students in terms of the cost of living, rental costs, among other things? How do you respond to that proposition as one of the ways of ensuring accessibility to education?

Mr Tory: I'm not an expert on it, Mr Kormos, but I will say I was asked to serve the University of Toronto,

so I'm going to go and serve there. Having said that, I absolutely wholeheartedly agree with the notion, and I think it goes back to the comments I made earlier, perhaps when you were out of the room, about how we have to better allocate scarce resources.

I think if you could say we're going to make Brock into a centre of academic excellence in this province for a given field or a given discipline, and really promote it heavily as a place where people should consider going because it is efficient to operate and there are more places to stay and so on, I think that should absolutely be done. Because I think to assume that the solution to our problems again rests in making the U of T bigger and bigger and having more and more things done there, notwithstanding that I want to see it stay number one or be competitive for number one, I'm not sure that's the solution to the problem, to have the U of T in the middle of the city of Toronto become huger and huger.

So I would have no difficulty with the notion that we should find some strategy—"we" again collectively as a society—to encourage people—and you're not going to encourage them to go by saying it's a good idea, you can find cheaper rent. I think you're going to encourage them to go because they see Brock or Trent or Laurentian or Lakehead or Nipissing as a place where they can go to study at the very best level of a certain discipline they're interested in. That's how you'll encourage them to go, in my view, because cheap rent—I mean, people will find a place to stay in Toronto if they have to find a place to stay here, if they need to come here to study whatever it is they want to study, whereas if the same thing is available at Brock, maybe instead of the U of T, they get some other benefits by going there and Brock benefits too. Everybody wins, I think.

Mr Kormos: But you see, there's a whole lot of folks at Brock who would dispute that it isn't a centre of excellence among a whole lot of other universities in smaller communities.

Mr Tory: If you look at the rankings in Maclean's, U of T and Brock were in different categories. Brock did rank very highly. I'm not suggesting they aren't a centre of excellence; I'm just saying that it may well be you should make that better known to people and in fact encourage people, to say: "If you want to be a such-and-so, this is the place to go. This is the place we're going to allocate our resources to make it the best school for sociology in Canada, and therefore we're going to encourage you to go there."

Mr Kormos: But the competitiveness that you speak of and the desire to maintain status as number one not only breeds but demonstrates a sense of parochialism. Isn't it the responsibility of the University of Toronto to ensure that scarce funds and scarce resources are fairly distributed among all the campuses, all the universities in the province?

Mr Tory: No, I think that's the government's responsibility. I said earlier that I think the U of T and all the universities should be much more like partners. If you were inside my company, I have 60 magazines and they all belong to the same owner but they all compete with each other for advertising business. I pull my hair out some days, saying: "You're all on the same team here. Stop this."

I think the universities do much the same thing. They compete with each other to be the best, which is probably good, but when it comes to financial resources and so on, I'm not sure they should be competing. What they should be doing, in my view, to a greater extent is sitting down as partners and deciding how they can say, "Look, is it sensible for the U of T to try and compete with Brock?" The U of T probably nine days out of 10 could make difficult Brock's life because Brock is smaller and it's not in Toronto. They should be spending much more time as partners around a table sorting these things out.

But if you say to me, "Is it the U of T's responsibility to redistribute scarce resources in the province to make sure Brock has enough?" I would say no, it's not their job. It's the government's job to do that.

Mr Kormos: So your position appears to be—and I don't want to put words in your mouth—basically that U of T is out there looking out for its interests and the rest of them are on their own.

Mr Tory: Subject to what I said about them sitting as partners around a table with Brock and with Trent and everybody else. When I'm appointed to the governing council of U of T, they didn't include anywhere in the job description a reference to looking out for the wellbeing of Brock. No offence to Brock or anybody else, but I'm just saying I think the people that run the U of T have a responsibility to the U of T. But I think they also have a broader responsibility to the system to sit at the table as partners with the government and decide how they can run the system and allocate scarce resources in a more efficient and productive manner.

The Vice-Chair: Mr Kormos, your time is up.

Mr Kormos: Not again, Chair.

The Vice-Chair: It went by quickly, I know. You just get right into it.

Mr Kormos: Are you sure there's no bias being demonstrated here?

The Vice-Chair: No, no bias whatsoever. I wanted to thank you, Mr Tory, for coming forward and for your contribution to the committee today.

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CELIA KAVANAGH

Review of intended appointment, selected by government party: Celia Kavanagh, intended appointment as part-time member, Criminal Injuries Compensation Board.

The Vice-Chair: Ms Kavanagh, please make yourself at home, feel comfortable. If you want a glass of water, you're certainly welcome to it. Then when you're ready I believe you're going to share with us a few comments, and then we'll get into the questioning.

Mr Bob Wood: I think she means to go directly to questioning.

Ms Celia Kavanagh: Mr Chair, I wasn't prepared to make any opening statement.

The Vice-Chair: That's fine. Since you've been invited by the government party here today, we'll start with them.

Mr Bob Wood: Ms Kavanagh, you've served on this board in the past and obviously have an interest in serving again. I wonder if you'd tell us what it is you think you can contribute to the board by going back on to it and outline very briefly the background that you feel makes you an appropriate person to serve on the board.

Ms Kavanagh: I served my first term on the board in 1985-88, and then I was asked to serve for another three years. So I was actually on the board for six years until 1991, at which point I was advised that six years was the maximum that most people served on boards, which was fine.

Then I received a phone call last December from the current chair of the Criminal Injuries Compensation Board asking me if I would be interested in serving again. They have a particular project that deals with abuse in provincial institutions, and he was interested in having someone who had sufficient experience in dealing with board hearings to be able to assist with that project.

I had met him once, but I guess his knowledge of me came from his understanding of recommendations from other board members I had served with, as well as some of the staff who had been with the Criminal Injuries Compensation Board and who are now dealing with the abuse in provincial institutions project; also, I understand, from having gone back and read a number of my decisions while I was on the board.

Mr Bob Wood: Do you have a particular interest you wish to pursue on the board if you're reappointed?

Ms Kavanagh: This is what I understood would be the main focus of what I would be doing at the board, that I would be, not seconded exactly, but that I would be primarily working on the cases from the project.

Mr Bob Wood: You outlined your credentials in the sense of previous service on the board. Are there other credentials outside of board service that you feel you bring to the board?

Ms Kavanagh: I was called to the bar of Ontario in 1979, so I have a background in law. I understand the legal process, the rules of evidence and the Statutory Powers Procedure Act that apply to board hearings and also, I understand, hearings under the project.

I was an officer with the status of women council for a year and a half, so I came to a much better understanding of the issues involved with battered women, which, I know from discussions with board members a number of years ago, was a difficult concept for many people to understand. I was able to come to the board with that understanding already, so for me it was much easier to deal with those cases.

Also, the cases at the project deal with sexual assault, child sexual assault, always the most difficult cases to deal with, I think board members universally agree. Because the staff understood that, they tried to spread them out in the case load at the hearings so you didn't get a lot of sexual abuse cases, because it was very draining. That was just one of the reasons the chair wanted someone with experience in this area, because that is all the project deals with.

Mrs Ross: Ms Kavanagh, you've mentioned that the reason you've reapplied was because of this special project dealing with abuse. Can you tell me a little more about that and how the initiative is expected to work?

Ms Kavanagh: The project came about as a result of an agreement among the government, the Catholic church and, I believe, one of the training schools. I believe one training school and the Christian Brothers did not join in the agreement, so they are excluded from being protected from being sued. But the government and the church felt this was a much better way to deal with the boys who had been abused while they were at the institution. It simplifies the process for everyone, rather than everybody taking their own case to court, and it certainly keeps the costs down. I think it probably goes faster for the applicants as well.

I understand there was an initial cutoff in June 1992 and that was group one of the applicants, and I understand those applications have all been dealt with. But, as often happens, a lot of these people who have been through the institutions and were abused became lost and only found about this afterwards, and then a number of applicants came after the cutoff date, so they set up a group two. That was the project I was initially to be assigned to. Those hearings, I understand, are still in progress, and there has been discussion about a group three, possibly.

The project staff are also working with the women who were abused at Grandview. The Criminal Injuries Compensation Board members are not adjudicating; that is a separate adjudication group. The project staff members are much father afield in dealing with all these issues than the board members are. The board members are dealing just with the victims of the St John's and St Joseph's training schools right now.

Mr Fox: It's quite apparent that you have a lot of experience, but what do you consider the greatest strengths you bring to the Criminal Injuries Compensation Board?

Ms Kavanagh: Having been on the board before, obviously I can come up to speed much faster. I understand there have been some policy changes since, but the process itself doesn't really change.

Probably the strongest asset I can bring is coming from a background of having dealt with a number of applicants and all the different things they go through. You're often able to help them bring out what they have gone through because you've heard it so many other times from other applicants; you know which areas. And you have to develop a certain sensitivity to their feelings and be able to deal with them, because they do break down when they're giving their testimony. On occasion, they do have to deal with the fact that the offender is there.

That was always one of the things I felt badly about at hearings, that the applicants were always so relieved after the hearing to find that it was not going to be a painful process, as it was going to court and just being a little cog in a wheel; that they didn't know how much deference we try to provide to applicants. I think that's important to know; to understand the fears they come with to the hearings.

Mr Ford: Ms Kavanagh, you were on this board before, from June 1985 to June 1991. Why did you leave the board?

Ms Kavanagh: Because I was told that six years was the maximum for members to be on the board. That was a policy decision.

Mr Ford: Having served on the board before, do you see any ways the administration might be improved and how you would go about doing that?

Ms Kavanagh: I see from the annual report that there's still the same problem of the backlog, and that was always a concern, I suppose. There was no point in having a hearing until all the material was there for the board members to decide on. When I was at the board before, we developed simplified forms that would go to the investigating police force and to doctors, to speed these up. It was often difficult, because we needed the information provided by the health care workers and the investigating police officers, but they didn't want to take the time to sit down and write out a lengthy report about what happened and the treatment and so on.

The whole point is to help the applicants, and the longer they have to wait, the more difficult it becomes for them. That is always a major thrust of the administrative part of the board, to try to process the applications faster and streamline the process to make it easier to get the information the board members need to make their decisions.

Mr Bartolucci: Certainly your experience is impressive and your qualifications are impressive as well, so just a couple of personal opinions from you, please, if you wouldn't mind.

Would you be in favour of the creation of a specialized family violence court within the criminal court system?

Ms Kavanagh: Family violence, to deal with spousal abuse and child abuse within the criminal court system? I certainly think family violence is different from general violence, and it helps to have the privacy in the sense that family court systems do. I haven't given it a lot of thought, but I think it certainly has merit to deal with family violence issues as separate matters, yes.

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Mr Bartolucci: Further opinion: Do you think victims of violent crime should be informed when either the accused or the convicted are released on either bail or parole or their sentences are up?

Ms Kavanagh: Oh, definitely. The fear of somebody coming back and doing it again, even though they know the person's been locked up for life, it's still, "What if they escape?" So I think that for the peace of mind—

Mr Bartolucci: Have you had an opportunity to read Bill 23?

Ms Kavanagh: No, I've only read the reports that have been in the newspaper. I understand that you're talking about the rights of the victim bill.

Mr Bartolucci: Right. If you had to structure a bill, what would be the predominant underlying theme of your bill with regard to victims of crime?

Ms Kavanagh: Mostly going on what I recall, the victims' concern is that somebody pays attention to them, that they have their say, they have their input, and that it counts for something. I think that their emotional injuries after a time become the important part of what they've gone through and that that needs to be addressed, that it's not just, "You are just here so that we can decide whether this offender should be punished or not, you have therefore finished your role testifying in court," or appearing any number of times and being sent home because there's an adjournment, that they're kept a more essential part of the process, because this happened to them. The offender is the one who then gets all the attention; the spotlight is on the offender. I think perhaps addressing their emotional needs more, that they need the helping hand, they need a little bit of stroking, is important and I think that would underline where you would go from there in structuring some legislation.

Mr Bartolucci: Just one final question, Ms Kavanagh. You mentioned backlog before, which is a concern of mine certainly. Would you build in some type of time structure within the bill, if you had that capability?

Ms Kavanagh: I think that's hard to do without putting some requirements on, like that you would have to get the reports back from the hospital, from the doctors, from so on. I don't think it's impossible, but I think it needs a fairly broad-based approach to get all the information required. I certainly don't think it's a problem telling board members, "You have to deal with more cases in a day; you have to get more cases dealt with in a week." But also getting the information, I suppose that is something that the board is constantly looking at.

Mr Bartolucci: Thank you very much for your opinions.

Mr Gravelle: Good morning, Ms Kavanagh. Obviously this is a board that demands a great deal of sensitivity—and you obviously display those traits, very much so—because the people have been traumatized and this experience of going to the board itself is probably somewhat traumatizing. You mention how afterwards they're delighted but there's a certain level of fear, and to some degree of course it's probably the same way for the board members. And obviously people are not always happy afterwards. You're also bound by certain regulations that are there.

Moving to the compensation issue, I'm working on the premise that a lot of people do not feel the compensation is adequate in terms of what they've gone through, yet they're grateful for a board such as this to be in place. The delays, I'm sure, are—aggravating's probably a very polite word for it. But more in terms of compensation, do you have any thoughts in terms of that, whether you personally feel the compensation levels are adequate, and what is generally the reaction of the people who are beneficiaries of the awards in that regard?

Ms Kavanagh: The lump sum limit of $25,000 probably compensates a majority of the applicants who do come to the board. In certain cases, obviously not, when you think of people who are injured for life, Barbara Turnbull being a classic case. I mean, there just is no amount to compensate somebody for that.

Very often, what the applicants would say—I shouldn't say "very often." On occasion, applicants after the hearing—and this was even before they knew whether

they were going to be compensated or knew how much they were going to get—would say, "It's not the money. It's just that I'm so grateful to be able to come and have two board members listen to me with all their attention," and they get to be the main focus of the hearing. For a lot of them, it's very cathartic to be able to go and say everything they want to say, and we sit and listen to them. It's a very basic human need. They've gone through the experience, and it's going to be with them for the rest of their lives and it's as fresh in their minds when they come two years later as it was the next day when they gave their story to the police and a year later when they went to court.

Just on that point, some of the hearings came forward fairly quickly from the date of the injury, the assault. It's hard to say why some take so long and some don't. A lot of times they're dependent on trying to get the information from the doctors, and some people just have injuries that are very ongoing and you want to get a handle on what it is before you compensate them.

But there's one way you could deal with them, because you do have an immediate injury, and as to what the long-term effects are going to be, the legislation allows the applicants to come back later. You can't do this in court, but you could do it at the board, and I think that's perhaps one way to speed up the hearings. You have enough to go on, and then if the injury does change or become much worse or whatever, you can—

Mr Gravelle: How quickly are decisions made after—the board meets; the people have gone to the meeting. What is the normal time frame in terms of decisions being given to the applicant?

Ms Kavanagh: Before I was on the board, the board members used to retire, very often, decide, and then go back in and give their decision right there and then write it up. By the time I got to the board, we were not allowed to give our awards at the hearing. We would always tell them that it was a reserved decision and then we would discuss it. In the vast majority of the cases, the decisions were made right after, before we even went into the next hearing, and the decisions would be written up that day. Some, obviously, were more complicated where it was difficult to make a decision, and in some cases we awaited further information that the applicant was going to provide.

Again, it is another area. I understand there are certain boards where the board members are required to have their decisions done in 48 hours.

The Chair: Thank you very much. We'll move on to the third party.

Mr Kormos: Morning, Ms Kavanagh. You know that interval and transition houses, shelters for abused women and their children, have in the past, when the funding permitted them to do this, played an active role in assisting victims through the court process and indeed, in those cases where they had access to the Criminal Injuries Compensation Board, assisting them through that. What's your view of the cutback in funding to these programs which would curtail that type of activity? Is this detrimental to those victims: those women and, in many instances, children?

Ms Kavanagh: I think so. Obviously, it's going to affect them in that sense if they don't have the staff to assist them. But I think the board has tried to be more proactive in getting information out about the board. Certainly transition houses were one area where the posters would be up and there would be applications available and information provided to the staff. The applications would be sent in and then the applications are given to a particular staff member who then is to assist the applicants in filling in the forms and helping them get the information to complete their application. I think, because the interval houses, the transition houses are sort of there, that is an easy way to get those sorts of victims to come to the board.

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Mr Kormos: If they're sufficiently staffed to give staff time to address that, as compared to only the crisis scenarios.

Ms Kavanagh: I think there's perhaps a lot that the board could do to simplify that process, to make the information available with the—"This is what the board does. Here's an application form to fill out. If you need any assistance, you can call the board for help. You will be given assistance over the phone." They could certainly go down to the board, if that's a possibility to have that, and I suppose you could even have—I know that when I was on the board, I went to a couple of high school law classes and discussed what the board did and got into different issues with the students. That's certainly an outreach project I suppose the board could do: to inform the transition houses that board members would be willing to go and speak to groups or to the staff members or even individually to—

Mr Kormos: Similarly, most, if not all, police forces, again in the recent past, have had officers who were dedicated to assault teams and more specifically to domestics.

Ms Kavanagh: Domestic assault, yes.

Mr Kormos: Domestic assault teams, and these police officers have received training, and hopefully good training—and in most cases, yes—and have worked with victims, once again in the context of domestic spousal violence. The reduction in transfer funding is undoubtedly going to impact on police forces, and we've witnessed that in the press reports of that already. The elimination of those specific roles, those dedicated roles: Is that going to hurt victims, further to the crime itself?

Ms Kavanagh: I was aware that all the police forces in Ontario were supplied with information and little cards they could give to victims giving them a little bit of information about the board and the telephone number, and that was available to any victim, not just victims of domestic assault, so I think that would still be there.

Perhaps if police forces have to cut back on their special domestic assault teams, the immediate assistance perhaps is not there, but I think any competent police force should be training their police officers—all their police officers—in what facilities are available for victims. Obviously they know to take injured victims to the hospitals, sexual assault victims to specific hospitals,

if there are such in the area, that will deal with that issue, and also to advise, in cases of child abuse, of specific resources there.

I think that a large part of the police forces have had to refocus what they're doing with all the people they come in contact with of what the resources in the community are. So as far as that goes, I think they should certainly be aware of how to deal with victims of violence and then what facilities are available for compensation through the Criminal Injuries Compensation Board or to the transition houses for women who want to escape a violent situation.

Mr Kormos: I don't know if you're aware—you probably are—that the Ministry of the Attorney General is increasingly, rather than hiring crown attorneys, retaining people on contract and, more significantly, simply hiring private practitioners on per diems, which means that the role of, again, crown attorneys in respect of crowns' offices who are trained and dedicated to dealing with spousal violence are becoming rarer and rarer and their efforts are being used in the general field. And, as you know, per diem crowns vary from very good and very sensitive to very bad and very slovenly.

What about the funding? I mean, the fact is that if there's going to be adequate compensation, even within the statutory limits of the present legislation—is it essential that funding for that program, obviously, that it be maintained?

Ms Kavanagh: Funding for the Criminal Injuries Compensation Board awards?

Mr Kormos: Quite right and for the administration of the board.

Ms Kavanagh: Now I could be wrong on this, but I understand when I first started that the awards were made out of the consolidated revenue fund and that the administration of the board came from a specific budget from the Attorney General's office.

Mr Kormos: But as you know, this afternoon—

Ms Kavanagh: Oh, yes. Well, we're all waiting with baited breath.

Mr Kormos: I heard the chainsaw being revved up this morning. This afternoon there's massive cuts coming. Is it essential that full funding be maintained for the Criminal Injuries Compensation Board, if it's going to be affected?

Ms Kavanagh: Essential? I don't think it's essential. I think, like everybody, we all have to do more with less and having been on the board before, I certainly think we could do more with what we have, or had.

Mr Kormos: What are you going to do, tell victims that they should have gotten $2,500, but there ain't enough money to do that, we'll have to settle for a G note?

Ms Kavanagh: Oh, no. If it comes out of the consolidated revenue fund—I mean it's not a bottomless pit, but it's not limited like the administration budget is, so they're not held up.

Mr Kormos: So you're convinced that nothing this government could do would impact on the board's ability to award appropriate awards within the statutory guidelines?

Ms Kavanagh: Convinced, no. I can't see the future any more than anyone else can.

Mr Kormos: I'll bet you you've thought about it.

Ms Kavanagh: Thought about it? I was never really involved with the financial aspects of the board. I think we were all aware that it wasn't going to go on forever, that there's an end to it.

Mr Kormos: What's your view about the board being peripatetic and accommodating regions of the province?

Ms Kavanagh: That the hearings are held in different parts of the province?

Mr Kormos: Yes.

Ms Kavanagh: That's quite expensive and I understand that the board has been experimenting with, or actually has had, electronic communications with hearings, and specifically I think it was set up to deal with sexual assault victims who did not want to be in the same room as the offender.

Mr Kormos: As the perpetrator.

Ms Kavanagh: Yes. I think that's certainly something that can be explored as a way to decrease administrative costs—

Mr Kormos: As you know, victims of property offences—

The Vice-Chair: Excuse me, Mr Kormos. Your time's up again.

Mr Kormos: It's a good thing I started that question—

The Vice-Chair: No, actually your time's up again. We have a few other things to do—

Mr Kormos: I don't know what's going on with this Chair—

The Vice-Chair: —and it's 10 after 12. I want to thank you for coming before us today. We found your deputation informative and helpful.

Ms Kavanagh: Thank you very much.

The Vice-Chair: I would entertain a motion of concurrence with these appointments, if somebody would want to place it.

Mr Bob Wood: I move that motion, Mr Chair.

The Vice-Chair: We will entertain then—

Mr Kormos: One moment, on a point—concurrence with these appointments implies that they're being dealt with in an omnibus way and, with respect, Chair, that motion is out of order because we have four appointments here and, quite frankly, the mandate of the committee is to deal with respective appointments and an omnibus motion is out of order, in my respectful submission.

Mr Bob Wood: I think we can move what motion we want, but I am quite happy to put myself in the hands of the opposition members. If they want it done separately, I'll do it separately.

The Vice-Chair: Yes, it's not out of order.

Mr Kormos: It's not a matter of moving whatever motion you want. It's a matter of whether that's in order.

The Vice-Chair: It's not out of order; it's in order.

Mr Bob Wood: I think it is in order, but I'll defer to Mr Kormos and move it separately if he prefers.

The Vice-Chair: It's in order and if the committee would agree to going ahead with all four in one package, we can do that, or if you want us to break them out one at a time, we can do that too—looking at the clock.

Mr Bartolucci: Mr Chair, I don't know if it's an amendment to the motion or however way we want to handle it, but Mr Wood said he would be in favour of individual appointments or decisions and I would ask in this instance that we go with individual concurrences.

The Vice-Chair: Okay.

Mr Bob Wood: I'd be pleased to do that, Mr Chair, and I therefore move that we concur in the appointment of Gary McNaughton.

The Vice-Chair: I would ask you, Mr Wood, to withdraw your first motion and perhaps—

Mr Bob Wood: I withdraw the first motion.

The Vice-Chair: —then we'll start at the beginning. Maybe you could move concurrence of Mr McNaughton.

Mr Bob Wood: I move that we concur in the intended appointment of Gary McNaughton.

The Vice-Chair: Any discussion?

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Mr Kormos: My comments aren't going to be the same with respect to what I anticipate with the three further motions. But Mr McNaughton presents himself as a fine laundromat operator; as a member of the Masonic lodge, and I have every regard for people who would devote themselves to the good service of the Masonic lodge; as a fellow who's been interested in minor hockey; and an outstanding member, I'm sure, of the Glencoe Rotary Club; also a somewhat neophyte but none the less obvious small-town party hack who has every good interest in ensuring that his Tory member got elected, who was contacted by that same Tory member, with no apparent qualifications other than the fact that he attends Tory barbecues subsequent to an election of the local member.

The guy displays no previous interest in the criminal justice system. He displays no interest in doing any research into the nature of the parole board, into the nature of what parole means. He didn't even know what statutory remission was, even though he knows he's effectively been approved by the appointments secretariat of the government and is going to appear before this committee.

Mr Bert Johnson: On a point of order, Mr Chair.

Mr Kormos: This better be a good one.

Mr Bert Johnson: I don't know what statutory remission is either.

The Vice-Chair: That is not a point of order. Go ahead.

Mr Kormos: Thank you. You've got points of information when you've got the floor.

The fellow comes here as effectively a nice guy. So what? There are 11 million nice people out there in the province of Ontario. This gentleman doesn't display any special skills, any unique background, that would facilitate his making decisions about persons applying for parole.

What I find even more dismaying than that, though, is his total lack of interest in preparing in any way, shape or form to assume that particular responsibility. One expects the government to have some interest in seeing people who share its political views in positions on these boards, agencies and commissions. I have no quarrel with that. Indeed, as you heard me say earlier, patronage is a reality of life. But, by God, it should at the very least be accompanied by competence, and I would dispute any patronage appointment that wasn't accompanied by competence, whether it was during the years after 1985 or the years after 1990 or certainly the years from 1995 onward.

I intend, I tell you, to vote against this appointment, not because Mr McNaughton may not be a fine person, but I'm sure there are other positions. He might be a more than appropriate member of the fence-line committee.

I think this man might be a nice person, but running the Newbury Superior Grocery Store and the creamery and whatever else here, having several laundromats—his responses to questions here, as I said, his lack of interest in preparing himself even for this occasion indicate that he has no real commitment to this position.

Even the paucity of time available to question this person—and as you can well imagine, Chair, I would have loved to have spent even a few more minutes talking to this gentleman—reveals that he has a knee-jerk, half-baked sense that somehow he's going to do things better. That's not to suggest that things can't be done better, things always can, and the performance of this government to date indicates that people in Ontario are recognizing that things can be done a hell of a lot better than have been done over the course of the last several months.

I'm sorry, this is an entirely inappropriate appointment for what is a very important board that determines the future of the lives of a convicted person, of the victims—if it was a crime involving victims—and of the general community. I don't think there's been any display there of the level of competence one would expect for such an important position.

Mr Bartolucci: I'm going to try not to be very political with this, because I think this is a perfect example of what we do not want to happen in the future.

I think if you had Joe MacDonald's wife here, Nancy Fragomeni MacDonald, I think if you had Franco Fragomeni here, sitting in the audience and listening to the answers to the questions, not only from me or from the members of the opposition but from the members of the government side, they wouldn't be satisfied that this person should determine whether or not he has the right to take the life of a police officer.

That's why I zeroed in on Suzack's case. It was because of not so much the incompetence, because Mr McNaughton is a very, very nice individual and he's

probably a very, very dedicated individual, but I honestly don't believe he has the ability to do what the mandate of the Conservative government wants from a board of parole appointee. I would be fearful of the decisions this gentleman would make, not so much because of what he does for a living, but because of his comprehension of the seriousness with which he would have to carry out his duties as an appointee.

I looked at the answers that he gave to Mr Ford and Mr Carr and Mr Newman, and I shook my head. I don't know, I don't want to speak for them on the other side, but they certainly weren't the answers that I would have wanted from the questions I asked. Certainly, he didn't give me the answers, to the questions, I wanted. That tells me that maybe he just doesn't have the answers.

Will he grow into the situation? Well, that's always something we want to give a person the opportunity to do. In this instance, and because of the seriousness of this appointment, of the role, I would be very, very hesitant to give him that opportunity because of the mistakes he might make.

I don't know if this committee is simply just a case of rubber-stamping. If it is, I feel sorry for all of us. I think we ask serious questions. I listened to the questions that were asked on the other side and they were very, very serious questions. I think they wanted serious replies and I don't think they got them, and I don't think we got them. I don't think he was capable of giving them and I don't think he is a capable appointee to this very, very serious position.

I'll be voting against the recommendation, not because he's not a nice guy and not because he's not dedicated, but because clearly he can't handle the role.

Mr Bob Wood: Mr Chair, we're certainly not rubber stamps here.

Mr Kormos: It's more like you're a potato-head.

Mr Bob Wood: What I'd like to do is ask that the vote on this be deferred one week.

The Vice-Chair: There's a motion to defer for a week the vote on this.

Mr Bartolucci: To defer the motion without debate, is that correct?

Mr Bob Wood: Only to time.

The Vice-Chair: He's asked for time. He's asked for a week, so we can debate the week piece.

Interjection: I'll second the motion.

The Vice-Chair: It's been seconded.

Mr Bob Wood: I might say, having proposed that motion, I've heard what's been said on the other—

The Vice-Chair: We're only debating the time. We can't debate the actual decision on whether we're going to defer or not.

Mr Bob Wood: Okay, one week.

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Mr Kormos: Why a week? Why not a year? The guy's either demonstrated capacity and an interest in the position such that he's something other than a mere small-town—

Mr Preston: He's not talking to time now.

Mr Kormos: I'm talking to time. I said: "Why a week? Why not a year?" Because the guy's not demonstrated any interest, any capacity. I'm concerned about what a week is going to permit the government caucus to do when they clearly would like to speak to their House leader and whip and find out whether it's going to be an embarrassment for them to vote the way their hearts and minds tell them to vote, which is to agree that this guy, although a nice guy, maybe ain't parole board material and that there are a whole lot of other people out there who'd be far better suited.

So I say, heck, I'm not going to support a week's deferral. It might as well be a year, because the only purpose in that is to ask for marching orders, and these people are on a committee here designed to fulfil a responsibility rather than to be little seals and little soldiers for the commandant with the blue book. That's ridiculous.

Mr Klees: I take exception to Mr Kormos waxing eloquent on our motive. I want to just express my view that I would like to have the additional week, and the reason, Mr Kormos, is not to get marching orders. The reason—

Mr Kormos: On a point of order—

Mr Klees: Excuse me. Mr Chair?

Mr Kormos: No, I've got a point of order. The point of order is to discuss the time, not to debate the motion. The motion is for a week. He's arguing on behalf of the week. I queried whether it should be a week or a year. How can you tell people that you can't debate the motion when he's debating in support of the motion?

Mr Klees: Mr Chairman, what I am speaking to is the impugning of motive by Mr Kormos, and I'm suggesting to you that's inappropriate.

Mr Kormos: But true, but true.

Mr Klees: The fact of the matter is, Mr Kormos, the reason that I think it's appropriate for us to have some time, whether it be a week or two weeks, is the fact that this witness was here at our request, and the way that you dealt with him, quite frankly, was about as intimidating an environment as I've ever seen.

The Vice-Chair: Excuse me, Mr Klees. Could you speak to the—

Mr Kormos: You should have given me 15 more minutes and he wouldn't have wanted the position.

The Vice-Chair: Mr Klees, would you speak to the time issue so that we can get on with the vote on this.

Mr Klees: I'll speak to the time issue. I feel that it's appropriate for us to have a week so that we can in fact consider the facts before us. I want to ask a question to the Chair. Is it appropriate—

Interjections.

Mr Preston: Mr Chairman, would you please ask respect of the gentleman across the table. He doesn't have the floor, I don't have the floor, but if he's going to continue to yap, so will I.

The Vice-Chair: I would ask that both of you would exercise some restraint. Mr Klees has the floor.

Mr Kormos: I have been exercising restraint, Chair.

Mr Klees: The reason I'm about to ask this question is because it does relate to this issue of deferral. Is it appropriate to have an individual back again before this committee for further questioning?

The Vice-Chair: I don't think it's a question of having the person back; it's a question of when we vote on concurrence.

Mr Klees: A general question, just a general question, Chair.

The Vice-Chair: I'm told that if the committee decides they would like to have the person back, then that's possible as well.

Mr Klees: Very good. Thank you.

Interjection.

The Vice-Chair: Just a second. Are you finished, Mr Klees, on the motion to defer?

Mr Bartolucci, on the time element only.

Mr Bartolucci: That's all I'll speak to. As the Chair, you've asked that that's all we speak to and that's all I will. I'm going to support it because I honestly believe the people on this committee are not stampers and that they have a mind of their own and that if they in fact need the week to do what they have to do, individually or collectively, I don't really care. I'm going to support that because I believe this is a serious enough appointment, and if we're backed into corners we're going to vote along party lines. That's the reality of politics. I think this is far too serious to do that, so I think the week deferral is very much in order and I will be supporting it.

The Vice-Chair: Okay. If there are no other-

Mr Bob Wood: I'd like to speak to that, having moved the motion. We don't need a year to address this and come to a conclusion. I think the more perceptive members on the other side understand that we're not rubber stamps or we wouldn't be asking for a week to take a look at this. I think it's rather unfortunate that some maybe haven't got that message. We need a week to take a look at it and I think that's all the time we need. We'll be back and be prepared to deal with it in a week's time. I'd ask the committee to support that.

The Vice-Chair: Okay. Could we have a vote on that? All those in favour? All those opposed? The motion carries.

Mr Bob Wood: I'd like to continue with the motions with respect to the other persons interviewed. I'd like to move that the committee concur in the intended appointment of Paul V. Godfrey.

Mr Bartolucci: Why not all three?

Mr Bob Wood: If the opposition members are satisfied, I'll make all three at the same time.

Mr Bartolucci: All three.

Mr Bob Wood: All three? Okay.

Mr Kormos: No.

The Vice-Chair: No, Mr Kormos is going to disagree.

Mr Bob Wood: No, Mr Kormos doesn't want all three. Okay, Mr Godfrey is on the floor.

Mr Kormos: That's a sloppy way to do things.

The Vice-Chair: Mr Kormos wants to speak to Mr Godfrey.

Mr Kormos: The committee heard what I had to say about Mr Godfrey. He's as Tory a Tory as can be. His relationships and networking with the Tory party are as complex and as intricate as one suspects anybody could ever have. He's another rich Tory. At the same time, he has a great deal of experience. I don't know why he was brought before the committee, because clearly, unless the government members knew something about, again, that private part of his life that I made reference to but was unaware of, there's certainly not a question there of lack of capacity.

After all, he did bring major league baseball to Toronto, and I suspect once we get around to reviewing the campaign contributions when they're finally released, we'll find either Mr Godfrey himself or any number of his companies having gone a long way to financing Mike Harris's revolution. Mind you, that's not to say that Mr Godfrey showed up here with a beard and a beret on his head and a bandolera across his chest, but there you go. It's clearly a Tory patronage appointment but, to be fair, not one without some merit.

Mr Chris Stockwell (Etobicoke West): I came specifically for this particular appointment, not so much with respect to the person as with respect to the position that the person holds. It's very difficult, I think, for governments to make appointments. I happen to be one of the members who sat last session opposite my good friend from Welland and saw the political patronage that took place with the socialists when they were in power.

Mr Kormos: Andy Brandt.

Mr Stockwell: Well, sure. Yes, you appointed Andy Brandt and 700 dippers. There's always someone who will chime in about Andy Brandt. They appoint one Conservative so they can wash the 700 dippers.

The point, though, that needs to be made is that I believe in political patronage appointments. I believed in it when I sat on that side of the House and I'm going to believe in it when I sit on the government side, because it seems to me that people elect a philosophy, approach, political options, and it seems counterproductive to me that that government would then start appointing people who aren't like-minded thinkers. So we appoint like-minded Conservatives to carry out the plan that we have put into place.

But why I'm here about this particular appointment is that I'm not suggesting it shouldn't be made, but I want everyone to be very conscious. Appointing press or people involved in the press, in my opinion, can be very sticky. They have a voice and a position different than that of the rank-and-file constituent we naturally represent. In fact, in some instances many would argue those people who work in the fourth estate are probably sometimes more powerful than your typical backbench MPP. I might be one of those people who argue that.

So when we do go forward to make appointments on a political basis that to some degree are partisan—and I don't think there's anybody in this room who will debate the fact that Paul Victor Godfrey happens to be a Conser-

vative, as Richard Johnston happened to be an NDPer, as well as the 600 or 700 NDP hacks they appointed throughout the province on parole boards and so on.

Mr Kormos: Name them.

1230

Mr Stockwell: Well, if you had about three weeks I'd start.

It seems to me that that's something you can do. But I wanted to say to the committee, and I think you should be conscious of this, not specifically this appointment but in future, you should take very long, hard looks at those people who are in the media whom you appoint to boards, agencies and commissions, because as I said and I will say again, the rank-and-file person I like to see appointed is someone who does not happen to have a voice, generally speaking; who doesn't have an opportunity for input over and above what a typical constituent would have. It would meet my purposes to think that those people who are appointed, are appointed because of grass-roots philosophical approaches to Conservatism that don't necessarily lead them to become publishers of newspapers and so on and so forth.

I'm not recommending he not go on; this probably is a very astute appointment. But in the future, when it comes to appointing people from the media, I just think we should take a long, sobering look before we ratify that agreement. I think that seems to be fairly reasonable.

Just quickly, I would never hesitate to appoint, again, Conservatives to agencies, boards and commissions, because the people of this province elected Conservatism; they rejected NDP socialism; they rejected the appointments that they made to the parole boards. With all due respect to my good friend from Welland, I can't count the number of people whom you appointed to police services boards and agencies, and if you had to ask them technical questions about how this particular one works, you would have gotten some absurd, obscure answers. If that would have then not allowed them to sit on the boards, agencies and commissions, not only would they have been understaffed; they would have been virtually empty.

Mr Bob Wood: I wonder if I might speak to this. I think Paul Godfrey is an outstandingly well-qualified person. He's recommended by the board of governors of the University of Toronto, and I think the community and the university are very lucky that he's prepared to come forward and do this.

I think Chris Stockwell makes some good points with respect to caution with respect to people who are involved in the media. Paul Godfrey has been in a position of considerable power in many circumstances, and I'm not aware of a situation where he's abused it.

Mr Stockwell: Oh, I never said that.

Mr Bob Wood: I think in this case we can be quite confident—

Mr Kormos: The suggestion is, you suggested it.

The Acting Chair (Mr Bruce Crozier): Mr Kormos, please.

Mr Bob Wood: We can be quite confident that Paul Godfrey is going to do the right thing for the University of Toronto and for the people of this province. I strongly endorse his appointment.

Mr Stockwell: Just a point of clarification: I was not suggesting he abused power at any time in his life. If that was understood, I certainly wouldn't want that impression left.

The Acting Chair: That's noted. Now, are you ready for the question? All those in favour? Opposed? Carried.

Mr Bob Wood: I would like to move concurrence in the appointment of John Tory.

The Acting Chair: It's been so moved.

Mr Ford: I second it.

The Acting Chair: No seconder required.

Mr Kormos: Mr Tory, once again, who's well-known—and there's no secret about the fact that he's a Conservative, certainly as long as I've known him, for over 20 years now. He demonstrates some strong credentials and he's another media person that Mr Stockwell refers to, with his Rogers cable show, perhaps now defunct. But none the less, what concerns me is that he was the senior policy adviser to the Prime Minister in the 1988 federal election—although that federal election was the 1988 one, it was still Prime Minister Brian Mulroney—and conservative campaign manager in 1993, when the leader of the Conservative Party was Kim Campbell. To be fair, the guy has some blemishes on an otherwise somewhat impressive track record. One would have hoped that he would have renounced his association with that 1993 association—because he was the campaign manager—with Kim Campbell and the Tories, one that resulted in but two Tories getting elected—

Mr Fox: What does this have to do with it?

Mr Kormos: —and demonstrated by that renunciation that he made some grievous errors in judgement by associating himself with those particular people. But here it is; we have a Tory government appointing, in this case, not just a Tory but surely, anybody who would have consented to manage Ms Campbell's campaign—that's an oxymoron, to talk about the Tory campaign of 1993—surely here we have the penultimate hack. Anybody who would consent to be involved in such a pathetic and devious effort at deceit on the Ontario public surely is a Tory hack. So here we are once again, another Tory lined up at this government's trough.

Mr Preston: Mr Chairman, somebody managed Audrey McLaughlin's campaign, somebody managed Bob Rae's campaign, both total flops. That doesn't qualify them or disqualify them for anything.

Mr Kormos: Two members, not 17.

Mr Preston: Pardon me, sir. I have the floor.

Mr Kormos: It was two.

The Acting Chair: I'll remind you I'm the Chairman, so go.

Mr Preston: This gentlemen has impeccable qualifications for the job—

Mr Kormos: That he's rich.

The Acting Chair: Mr Kormos, please.

Mr Preston: —regardless of his political affiliation.

Mr Kormos: Or how rich his father is.

Mr Preston: I call for the vote, Mr Chairman.

The Acting Chair: At least we accomplished something. Yes, Mr Wood?

Mr Bob Wood: I wonder if I might simply add very briefly, in 30 seconds, to what Mr Preston has said. He's a highly qualified individual. It's hardly a disqualification for public office to have participated in a losing political campaign. I think we're darned lucky to have him.

The Acting Chair: I've been reminded that Mr Preston called for the vote and there's no further debate.

All those in favour of going to the vote? Okay. Now we will then vote on—I almost lost track—concurrence with John Tory. All those in favour? Opposed? Carried.

Mr Bob Wood: I'd like to move concurrence in Celia Kavanagh.

The Acting Chair: It's been moved. Discussion? Mr Kormos.

Mr Kormos: This was a little bit troubling because Ms Kavanagh appears to have a strong background. I suppose the fact that she's a lawyer, in the context of working for the Criminal Injuries Compensation Board, shouldn't be held against her. She had been on the board for two previous terms; was invited, as she indicates, by the chair, if I recall, to seek renomination to the board; has some strong views.

It's unfortunate in her case, because I think all members of the committee would have preferred to spend a little more time. Her life and her views are not as public, no way near as public, as they were in the case of Mr Godfrey or Mr Tory. It really would have been beneficial. I mean, there was nothing that was revealed during the course of her submissions and the responses to queries put to her that would show her to be anything other than a responsible, committed person who has some creative and progressive views about the Criminal Injuries Compensation Board and its function.

I'm concerned about how frustrated she's going to become. We note that she was the executive officer of the Ontario Status of Women Council, and obviously throughout the course of her responses here she indicated some very specific concerns about women as victims and about victims of family violence.

I'm concerned about the level of frustration she's going to experience when programs that assist women as victims of violence are increasingly being trashed by the government and when in fact we may find the Criminal Injuries Compensation Board itself suffering from vicious and random cutbacks by the government. It's unfortunate that we didn't have more time to speak with her and canvass all of these areas.

Perhaps that matter, the matter of these limited 30-minute periods, will be addressed in the very near future, firstly by the subcommittee and perhaps then by the committee in general.

The Acting Chair: Any further comments?

1240

Mr Bob Wood: I'd certainly like to endorse her as a highly qualified candidate that I think we're lucky to have prepared to serve on the board. I would then move the question.

The Acting Chair: We were ready for that. Now we have to vote on your call for the question.

All those in favour of calling the question? Opposed? Carried.

All those in favour of concurrence on the appointment of Celia Kavanagh? Carried.

Now we have some subcommittee business to deal with that hopefully we can move along rather quickly on. You have your—

Mr Bert Johnson: Mr Chairman, I have a point of order. I got some information, a memorandum from this committee dated November 17, addressed to members of the standing committee. At the bottom there's a cc to Bob Lopinski, Vic Taylor and David Pond. I can understand David Pond; I can't understand why the other two are cc'd.

The Acting Chair: As far as I know, it's public information. I suppose anybody, within reason, who requests it could receive it.

Mr Bert Johnson: Would my father in a nursing home qualify?

The Acting Chair: Pardon me?

Mr Bert Johnson: I'm just saying that it—

The Acting Chair: I'm trying to interpret it, Mr Johnson. I think you're reasonable. Lopinski's on the research of the Liberal Party. If you don't want him sent that and it's a problem, I suppose then I can go and we'll create the copy and give it to him.

Mr Bert Johnson: There are reasons for nearly everything. I just wondered what the reason is.

The Acting Chair: Give us a break. The government has a lot more research than this side of the room. So all we're trying to do is save some time. Is it a problem?

Mr Bert Johnson: I don't know. I'm just asking.

The Acting Chair: Okay. We'll find out the answer.

Mr Bert Johnson: Thank you.

SUBCOMMITTEE REPORT

The Acting Chair: Now, the minutes of the subcommittee: Do they have to be read into the record? I have to read the minutes of the standing committee on government agencies subcommittee on committee business.

Mr Bob Wood: Can we dispense with this? We've all got a copy of this and I'm satisfied with it.

The Acting Chair: I'm told I have to read it into the record.

Mr Bob Wood: The committee cannot dispense with the reading of it?

The Acting Chair: For the purposes of Hansard, we're told we have to read it into the record.

Mr Bob Wood: Lead on.

The Acting Chair: Maybe we can look into that too.

Mr Bob Wood: Lead on.

The Acting Chair: Tuesday, 28 November 1995, report of the subcommittee:

Your subcommittee met on Tuesday, November 28, 1995, for the purpose of organization and to consider the selection of the intended appointees for committee review.

Your subcommittee recommends:

1. That each intended appointee being interviewed by the committee be invited to make an opening statement of not more than five minutes and that that time be deducted from the time apportioned to the government party.

2. That the selection of David R. Nash, selection of the official opposition, as member, Ontario Casino Corp board of directors; Evelyn Dodds, selection of third party, as vice-chair, Social Assistance Review Board; and Patricia DeGuire, selection of government party, as member, Board of Parole, central region, be scheduled for December 6, 1995, for 40-minute appointments each with up to a five-minute opening statement to be invited and the time for that opening statement be deducted from the 40-minute interview.

3. That pursuant to standing order 106(g) the following agencies have been selected for the committee to review: Social Assistance Review Board, selection of the third party; Ontario Highway Transportation Board, selection of the official opposition.

4. That a request be sent to the House leaders asking that to the previous request for two days per month to review intended appointments an additional two days per month be approved for the committee to sit for the purpose of reviewing agencies; and that those four days per month be approved in the same week of each month.

5. That the committee will meet on Wednesday, December 13, 1995, to consider the selection of intended appointees for committee review.

6. Re: certificate of November 22, 1995.

It was agreed that the following intended appointees be selected for review:

Selections of the official opposition party:

Agency: Town of Kingsville Police Services Board

Name: William Strong

Time recommended for consideration: one half-hour

Date of consideration: December 13, 1995.

Selections of the third party:

Agency: City of Timmins Police Services Board

Name: Hans Arno Keller

Time recommended for consideration: one half-hour

Date for consideration: December 13, 1995

Selections of the government party:

Agency: Ontario Share and Deposit Insurance Corporation

Name: David A. Lemmon

Time recommended for consideration: one half-hour

Date for consideration: December 13, 1995.

Agency: Selection Board (Ontario Graduate Scholarship Program)

Name: Dr Flora Ng

Time recommended for consideration: one half-hour

Date for consideration: December 13, 1995.

Is there a mover for those minutes?

Mr Bob Wood (London South): I move it, Mr Chair.

The Acting Chair: Moved by Mr Wood.

There are two items that we should take into consideration on this. Number one is that Evelyn Dodds, the selection of the third party as vice-chair of the Social Assistance Review Board, was not scheduled to be in Toronto on December 6, but will be in Toronto on December 13, so she has requested that perhaps we consider her appearance for December 13 and that we would start at 9:20 in order to allow for that extra person to appear.

Mr Kormos: Speaking to that and to the subcommittee report as a whole: firstly, no quarrel in general with the subcommittee report. Obviously, that's some level of consensus between the three caucus—whips? Respective whips.

Mr Crozier: Committee reps.

Mr Kormos: My caucus declines to address itself as a whip when I'm on the committee.

In any event, I'll indicate now I have real concern about these 30-minute slots. I appreciate that this is not unprecedented, that this was the design by and large, as I understand it, established by the last government. Clearly, 30 minutes—especially when, as is suggested, the first five minutes be occupied by a participant addressing the committee and that five minutes be deducted from the government's time—provides precious little opportunity to talk about what can sometimes be some very important issues.

There were more than a couple of people here today for whom there was mere time-filling by perhaps not just government members but by people from the other two caucuses as well. I saw the government members sitting there polishing apples like mad trying to improve their lot in life with somebody whose lot in life was far more fortunate than theirs.

At the same time, there are going to be people before this committee being appointed to very important positions, sometimes contentious position, not just from a partisan perspective but from a public perspective, positions that are going to have a significant impact on what happens to Ontarians.

I am at a loss to understand why this committee should restrict itself to 30 minutes for any given participant. I appreciate that there's a need to schedule, that there's a need to organize time. You can't have people sitting here cooling their heels while others are being interviewed for a period of 45 minutes or an hour. You've got to schedule.

There are clearly some, quite frankly—

The Acting Chair: Mr Kormos, I might be able to expedite this a bit. It is up to the committee, after recommendations usually by the subcommittee, as to how many will appear and as to the length of time.

Mr Kormos: That's why I'm speaking to this now. Quite right.

The Acting Chair: I was only kind of suggesting that maybe this could be dealt with at the subcommittee.

Mr Kormos: Quite right. It's what I'm getting to, Chair. You're a mind reader too. That's remarkable. How many people around here can read minds?

In any event, the Chair being cognizant, as it is, and

sensitive to this particular issue, and recognizing that there can—quite frankly, it struck me as being unnecessary to have Mr Godfrey here for 30 minutes. His public life, I suppose that's obvious, is very much an open book and a well-known one and a well-publicized one. His personal views similarly tend to be well known. At the same time, there could well have been any one caucus that would have wanted to spend a longer period of time with Mr Godfrey or any other on a particular area or with a particular set of issues.

So it seems to me that there's a great deal of flexibility available as to whether or not a person be here for 15 minutes, 30 minutes or two days, because quite frankly, there are some people who would warrant two days of discussion. So I'm saying this hoping that the subcommittee will address—

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Mr Klees: Get to the point.

The Acting Chair: Mr Klees, please.

Mr Klees: Sorry.

Mr Kormos: Thank you, Chair. I am hoping that the subcommittee, during its next meeting, will seriously consider the need to be flexible about the period of time and to propose estimated periods of time based on the submissions of respective members of the subcommittee.

As to Ms Dodds, who I understand has to travel here a long distance, it's my respectful submission that it is improper, the subcommittee having not considered her request to be reassigned, but none the less the Chair or the committee being advised of her unavailability—and I have no quarrel with her unavailability—I would suggest that the appropriate thing, the proper thing, the correct thing is to simply have the subcommittee readdress her time and place; and obviously she could be readily or easily canvassed as to availability. In other words, I'm suggesting that there not having been a subcommittee decision to have put her on at 9:20 on the day of December 13, it's improper for that to be a part of the subcommittee report as compared to the Chair merely reporting that Ms Dodds is unavailable on the date assigned.

The Acting Chair: It will be dealt with as an amendment to the report.

Mr Kormos: But you see, the subcommittee report has to come before the committee, Chair, in its entirety. The subcommittee has a very important function. You can't have a subcommittee report and say, "Oh well, we'll tinker with it." I don't mean that in a malicious or disparaging way. "We'll shuffle this around and then present that somehow as an amended subcommittee report." The report can only be amended by the subcommittee. That's the nature of a subcommittee report.

So I'm suggesting that in the matter of Ms Dodds you are simply reporting that Ms Dodds is unavailable at the time originally planned for. God bless, she won't be here. But I say then it's for the subcommittee to reconsider the appropriate time and period of time for Ms Dodds to be before the committee. I don't think there's any difficulty in having the matter of Ms Dodds's interview being extended beyond the brief Christmas break that I'm sure will be enjoyed.

Mr Klees: Help, Mr Chair.

The Acting Chair: Thank you, Mr Kormos. By way of explanation, unlike in the House there's no limit on the time someone can speak, and I think each of us has to—

Interjection.

The Acting Chair: Excuse me. I think each of us has to be given that opportunity, and to try and limit anything often leads to just further—since he's not listening, I've told you what I think.

Mr Bob Wood: Mr Chair, may I have the floor?

The Acting Chair: Yes.

Mr Bob Wood: I am prepared to move an amendment to this report: that Ms Dodds be added at 9:20 am on December 13.

Mr Kormos: Point of order, Chair.

Mr Bob Wood: I would also move that that question be put.

Mr Kormos: Point of order, Mr Chair.

The Acting Chair: I think we have to be democratic here.

Mr Kormos: We've got to be democratic.

Mr Bob Wood: We can't sit here till 5 in the afternoon.

The Acting Chair: Yes, I think that we have to be democratic and I will be.

Mr Kormos: Chair, we will sit—

The Acting Chair: Mr Kormos, please get to the point.

Mr Kormos: These people are reasonably well—

The Acting Chair: The Chair's getting impatient too.

Mr Kormos: The Chair is what?

The Acting Chair: Getting impatient as well.

Mr Kormos: That's why the Chair makes the big bucks, Chair. The Chair's job is to chair; our job is to meet in committee.

The Acting Chair: I am well aware of that, Mr Kormos. Thank you.

Mr Kormos: Thank you, Chair. If these people are concerned because it's 1 o'clock—are they missing their lunch prior to the House sitting?

Mr Klees: We're concerned about wasting time.

Mr Kormos: I raise that as a serious question. We're paid to be here and we'd better be prepared to be here and deal with the issues.

The Acting Chair: What's your point of order, Mr Kormos?

Mr Kormos: Please, Chair, I'm getting to it.

The Acting Chair: No, what is your point of order? Then we'll rule on whether you have a point of order.

Mr Kormos: Chair, the more you ask that, the longer this takes.

The Acting Chair: That's what I'm afraid of.

Mr Kormos: The point of order is that it is inappropriate for the committee to move an amendment to—

The Acting Chair: No, the committee—

Mr Kormos: One moment; I'm not finished my point of order.

The Acting Chair: No, it really doesn't matter. I don't think you have a point of order. You don't have a point of order. Mr Kormos, the subcommittee is recommending to the committee. All that has been done here is an amendment has been made to the recommendation.

Mr Kormos: How can you move a motion to a recommendation when there's been no motion to approve the report of the subcommittee?

The Acting Chair: Because the Chair has ruled that way.

Clerk of the Committee (Ms Tannis Manikel): Mr Wood did move the report.

Mr Bob Wood: I moved it. I moved the adoption of it and I moved an amendment to it. There was no problem with that.

Mr Kormos: But I'm telling you, you can't do that. The subcommittee prepares a report. If there is going to be a substantial variation to the report of the subcommittee, then it should be done by the subcommittee. We're not talking about an amendment here; we're talking about the subcommittee report.

The Acting Chair: Mr Kormos, I think what is in question then is, what is substantial? I don't think this is substantial. It doesn't change the person; it doesn't change the length of time that we're going to hear that deputant; it only changes the date. I don't think that's substantial. I really would, without any further delay, like to move on.

Mr Kormos: Delay? We're talking about debate here, Chair.

Mr Bob Wood: I move the question be put.

The Acting Chair: I'll take that motion. All those in favour?

Mr Kormos: A recorded vote.

The Acting Chair: Opposed? Carried.

Clerk of the Committee: It's not a recorded vote.

The Acting Chair: I had already called the question and asked for those in favour before—

Mr Kormos: Chair, you did not permit an opportunity for anybody to intervene. You're trying to ram this through like a greased pig.

The Acting Chair: The amendment has been moved. I'll pause a little bit before I ask for the question on the amendment. There being nothing else said—

Mr Kormos: Chair, please.

Mr Bob Wood: The question, Mr Chair, has been put. The committee has directed—

Mr Kormos: Chair, you said you were going to pause for a minute. If you're going to pause, you've got to wait for there to be any interventions.

The Acting Chair: I said I would pause for a moment. Let's be less difficult and move on.

Mr Kormos: No, Chair, you be a little less difficult and accommodate the members of your committee.

Mr Bob Wood: Mr Chairman, we've voted to put this question.

The Acting Chair: There's a closure motion. We go straight to the amendment. We're going to vote on the amendment at this time.

Mr Kormos: Fine, then—

The Acting Chair: All those in favour? Opposed?

Mr Kormos: Chair, I'm telling you right now, I've asked for a recorded vote.

The Acting Chair: I didn't hear the word "recorded" until just now.

Mr Kormos: Chair, I requested a—

The Acting Chair: Mr Kormos, you're becoming very difficult.

Mr Kormos: You're darn right I'm becoming difficult, Chair, because the Chair is becoming a joke.

The Acting Chair: I don't want to have to call the Speaker in.

Mr Kormos: I resent the Chair abusing its power to violate the privileges of members of this committee. Now, please, Chair. You may well be hungry and want to have your tea and biscuits before you resume participation at 1:30 in the House, but I'm telling you that when you call for a vote, you provide an opportunity for people to indicate that they want a recorded vote.

You had three notices of it. I said "Chair." Indeed, I pounded my fist on the table to try to provide some emphasis to that, and you persisted in calling for a vote. Quite frankly, that's irresponsible. The Chair should be embarrassed about its failure to understand the rules of procedure and to apply them. You may be used to sliding things through without adequate consultation or discussion, but damn it, that's not the procedure that's going to be followed here.

Mr Bob Wood: Mr Chair, I move the question be put.

The Acting Chair: Thank you for your opinion, Mr Kormos. The Chair is still the Chair, and now I have a motion.

Mr Bob Wood: That the question be put on the main motion.

The Acting Chair: That the question be put on the main motion.

Mr Kormos: Now, Chair, a recorded vote.

The Acting Chair: No, no.

Mr Bob Wood: It's not a debatable motion.

The Acting Chair: All those in favour?

Mr Kormos: Wait, Chair, damn it.

The Acting Chair: Carried.

Mr Kormos: You jerk. And I'll repeat that: Vous êtes un con. I did not have the opportunity to ask for a recorded vote on that; you know it. We're not—

The Acting Chair: Mr Kormos—

Mr Kormos: —who doesn't understand the rules and procedures.

The Acting Chair: I really don't want to have to call the Speaker.

Mr Kormos: You call on the Speaker as you wish.

Interjections.

Mr Bob Wood: Please put the question.

The Acting Chair: I did.

Mr Kormos: I asked for a recorded vote twice and this Chair declined to permit one, because this Chair would prefer to listen to one of the Tory hacks, one of the backbenchers who is here to try to ram stuff through this committee and avoid a call for a recorded vote, because they're embarrassed about being on the record. Well, that's shameful.

The Acting Chair: Why don't we go to the main motion and have a recorded vote? Would that be okay?

Mr Kormos: That would be fine, Chair. That's all I wanted in the first place.

The Acting Chair: This is the subcommittee report, as amended. Okay? We're all agreed? All those in favour?

Ayes

Bartolucci, Fox, Bert Johnson, Klees, Newman, Preston, Ross, Bob Wood.

The Acting Speaker: All those opposed?

Nays

Kormos.

The Acting Chair: Okay, is there any further business? Move for adjournment? Thank you.

The committee adjourned at 1301.

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*Ford, Douglas B. (Etobicoke-Humber PC)
*Crozier (Essex South / -Sud L)
*Fox, Gary (Prince Edward-Lennox-South Hastings/Prince Edward-Lennox-Hastings-Sud PC)
*Gravelle, Michael (Port Arthur L)
*Johnson, Bert (Perth PC)
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*Ross, Lillian (Mrs) (Hamilton West / -Ouest PC)
*Wood, Bob (London South / -Sud PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Klees, Frank F. (York-Mackenzie PC) for Mr Leadston

Also taking part / Autres participants et participantes:
Bradley, James J. (St Catharines L)
Stockwell, Chris (Etobicoke West / -Ouest PC)

Clerk pro tem / Greffière par intérim: Bryce, Donna

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Wednesday 6 December 1995

Journal des débats (Hansard)

Mercredi 6 décembre 1995

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

Intended appointments

Nominations prévues



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Clerk: Tannis Manikel

Président : Floyd Laughren
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 6 December 1995

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 6 décembre 1995

The committee met at 1003 in room 228.

INTENDED APPOINTMENTS

DAVID NASH

Review of intended appointment, selected by the official opposition party: David Nash, intended appointee as member, Ontario Casino Corp board of directors.

The Vice-Chair (Mr Tony Martin): I call this committee to order. The first person we will interview today is David Nash. Would Mr Nash please take a seat. Make yourself at home. Help yourself to a glass of water. We have 40 minutes, 20 minutes for each caucus. Go ahead, Mr Nash.

Mr David Nash: Thank you for inviting me. I think you probably all have my background and my curriculum vitae, so I won't repeat that. I'd just like to indicate that with respect to this appointment, one of my interests is in the regulatory framework dealing with different government agencies on a variety of issues both in my law practice and my dealings through hospital matters that you've seen.

I'm here today because the appointment was made as a result of requests or an invitation through the office of appointments to accept this position. I had notified the government after the election that I was interested in some form of an appointment where I would be involved with my background in the regulatory area of government policy. I didn't ask for anything specific, but I clearly let them know and I sent my CV down to the government. The appointment arose as a result of contact from the government indicating that this position was open. I considered it for a number of days and then responded in a positive way some time, I believe, in August.

The personal goals that I have with respect to this particular body would be to ensure the successful development and operation of the casino. From a personal philosophy point of view, my definition of success isn't dollars; it's the integration of business into the community. It's the relationship that a community has with all of the business operations, and in this particular instance with the casino. There's a great deal of social policy that is involved in developing a casino and operating a casino, and it's not just the narrow framework.

I find it a fascinating area. It's an area I've worked in while dealing with a hospital for the last seven years. I've been on the board of St Joseph's hospital, more recently as chair of that hospital.

One of the reasons I'm interested in this type of appointment is that I do have some time to spend, having just finished as chair of St Joseph's hospital. I averaged 23 hours a week as a volunteer at the hospital for two years. Having left the chair there, I don't have nearly the time or commitment to the hospital that I had before, and I some time available. I have partners in my law practice who encourage—in fact, one of the values of our practice is to be involved in public affairs.

So that's what brings me here, just from a background point of view, and I thought I would just introduce that to you.

The Vice-Chair: Thank you very much. We'll start the questioning with the official opposition, the Liberals.

Mr Bruce Crozier (Essex South): Good morning, Mr Nash. One of the comments you made in your opening statement was that you were invited by the secretariat for this position.

Mr Nash: Yes.

Mr Crozier: Any individual in the secretariat, or was there anyone locally who—

Mr Nash: Tonie Arnold spoke to me.

Mr Crozier: Okay. And that was when? Earlier this year, you said?

Mr Nash: I think it was in around August some time.

Mr Crozier: After the election?

Mr Nash: Yes.

Mr Crozier: Yes. Are you aware of the members that are on the board and were on the board previously; for example, the person you replaced?

Mr Nash: Well, I'm not aware—I wasn't told that I was replacing any individual person. I'm aware that two people have left the board. I read the papers so I'm aware of that.

Mr Crozier: Okay. You said you were interested in the regulatory aspect of government. What do you see that this government's philosophy is, in your opinion, towards regulation?

Mr Nash: I believe—can really only respond to the act that I would be operating under—that the regulation involves a responsibility to operate a business entity within a community with the community interests involved, and that it must be regulated with that in mind, that the business must have those concerns very much at the top, the priority.

Mr Crozier: Are you familiar with the Ontario Casino Corporation Act?

Mr Nash: To some degree.

Mr Crozier: To what degree?

Mr Nash: I've read it and I've been through it, but as a lawyer I always find that you can read these statutes

many times and you always see something more or different the more you learn and the more you work with them.

Mr Crozier: Is there anything you've seen that you think maybe should be changed?

Mr Nash: Not at this point, no.

Mr Crozier: No. Ever been to Vegas?

Mr Nash: Yes.

Mr Crozier: Have you been to Windsor?

Mr Nash: No.

Mr Crozier: Oh. You haven't been to the casino yet?

Mr Nash: No.

Mr Crozier: You've been aware of this invitation since August, you've accepted it, obviously, and you've never visited the casino?

Mr Nash: That's right.

Mr Crozier: Isn't that odd? I think it's odd. How would you respond to that?

Mr Nash: Well, personally, I didn't think it was appropriate for me to go until the full process of the appointment was completed. I wasn't going to presume that I was to be sitting on this body.

Mr Crozier: Not even to visit the city and see the site and walk through the casino?

Mr Nash: That was my own personal decision and my own personal view.

Mr Crozier: Well, in spite of that I still think that's odd. Well, then, what it is that you see you can bring to the board? You've read the act, you haven't visited the casino yet, but what role do you see yourself playing?

Mr Nash: I think my area of knowledge would be and the strengths that I would bring would be in the field of human resources in particular. It's an area I've been involved in both in my legal practice in the past and it's an area that I've been heavily involved with in chairing a hospital with 3,000 employees. I find that probably one of the most important areas of this type of business operation is that certainly it's there for the public, for tourism, and it's there for various reasons—raising money—but there is very much a human resource impact with respect to this, both directly and indirectly. I find my background would assist with respect to that. That's one area.

The other is in the area of social policy. I've been an advocate and have been trained over the last seven years in the teachings of Peter Senge and a number of other people, Joe Destefano from the University of Western Ontario, on the total learning organization and on continuous quality improvement.

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I'm very interested in these programs as they relate to business. It's a program that we've instituted at St Joseph's Health Centre, I believe very successfully. It allows for a much broader base of community involvement, and particularly employee involvement, in operations. It's a very major responsibility for any organization to undertake, but I feel that background and that experience is something I could also bring to this particular board.

Mr Crozier: Having read the act and been appointed, or at least proposed, for the position you are, and considering the fact that the casino is really run by a management firm, you don't see yourself getting involved in it to any great degree with the employees or the management of it, do you?

Mr Nash: That's right. There's a big distinction in a board between the management, but I've had the same thing for a number of years with the board I just finished chairing. We didn't get involved in the management but we set the policy and we determined the values. The values of that organization have to be determined by the board of directors, and I believe strongly in that.

Mr Crozier: Perhaps my colleague has some questions. Thank you, Mr Nash.

Mr Michael Gravelle (Port Arthur): Good morning, Mr Nash. The whole issue of casino gambling in Ontario is certainly one that's been discussed a lot, and obviously we have the Windsor casino and there's just been the announcement that they'll be going ahead in Niagara Falls as well.

In my own community, in Thunder Bay, it's an issue that's of some interest, and I think it probably goes across the province, so I'm curious about what your own personal thoughts are on just simply the expansion of casino gambling in Ontario in light of the fact that it's obviously viewed as being a positive thing by many and having some negative consequences by others. I'm curious about your personal points of view.

Mr Nash: I think that's the study that has to be undertaken in this province. We'll have three operations that people will be able to study with some distinction, with respect to all three operations.

With respect to other communities, it's my understanding that the process has been that communities have come forward with an indication or an intent to ask for a casino and that there's been a process that's been followed. I don't have a fixed view on where this should go. I don't presume to have that type of knowledge because I think it involves a very significant input on the social policy side. I think the fiscal side we're going to study in a fairly straightforward way because we're going to be able to see what's happening with what's out there. But on the social policy side I think there's an awful lot more that has to be looked at for the province, and that's what I'm very interested in and I would see that.

For any community that is interested specifically, I would anticipate that the role of the corporation will be to ensure that that community is given every assistance in terms of knowledge and information in order to make a valid proposal. I don't see that the corporation would in any way be exclusive. It would be an inclusive approach and encourage communities to come forward and explore the possibility. I look forward to that.

Mr Gravelle: Do you think there should be exceptions made in terms of certain circumstances with certain communities that are different? Right now the decision has been pretty much made that a referendum will be held probably in line with the 1997 municipal elections. There'll be certainly some lobbying being done by

various people that they don't fit those circumstances, and with Niagara Falls being in place as well, I'm just curious as to how you feel about that.

Mr Nash: I'm sorry, on referendums?

Mr Gravelle: Yes.

Mr Nash: That's for the government to determine rather than for the corporation to determine. The referendum would be run by the government, it's my understanding. In terms of the corporation's involvement, I think it may be able to assist, but I think the corporation, by legislation, must be open to the referendum process. Exactly how that's done—I would anticipate the corporation's views may be asked, but that would be it. I think that's your responsibility as members.

Mr Gravelle: I'm just curious about your sort of personal pains. If you're involved in this, with your own background too in terms of the regulatory framework, obviously you'll be bringing some qualities to this in terms of experience. And obviously the casino corporation act is important. I presume you have a full familiarity with it.

Mr Nash: Well, yes, I've read it and been through it, but as I say, I would never say that I'm an expert on the act. There isn't an act in Ontario that I would feel I'm specifically an expert in, because every time I read them as I prepare for court—as an advocate, we're always looking for different approaches and different interpretations with an act. The corporation's act hasn't really ever been challenged or had an advocate's approach made to it because there's really been nothing challenged. I think that will be very interesting as well as people delve into how it works and whether it's successful in the approach that's been taken.

Mr Gravelle: We may come back.

The Vice-Chair: Okay, do you want to hold your time? Then we'll move on to the third party.

Mr David S. Cooke (Windsor-Riverside): Welcome to the committee, Mr Nash. Just to get clarification of exactly what your status is, you were appointed by the government before committees were established, so you're on the board.

Mr Nash: Yes, but my appointment, as I understand it, was made but nothing happened because I think it was anticipated that I would be coming—

Mr Cooke: So you haven't been to a board meeting?

Mr Nash: I have not been to a board meeting.

Mr Cooke: I'd just like to go back to a question that was raised, I think by the member for Essex South. You of course know that Windsor's the only community at this point that has a casino.

Mr Nash: Yes.

Mr Cooke: You said you were approached by the public appointments office about this particular—the Premier's public appointments office?

Mr Nash: Well, Tonie Arnold, yes.

Mr Cooke: So this is out of the ministry? I'm sorry, I don't have all the names. It's out of the ministry or the—

Mr Nash: It's through the Premier's office, I believe, yes.

Mr Cooke: And it was described as a vacancy. I mean, you know better than that now.

Mr Nash: It was described to me that there was an appointment available. That was the terminology that was used.

Mr Cooke: You know better now about exactly what's—

Mr Nash: I'm aware of the fact of what's happened, yes.

Mr Cooke: Considering the fact that Windsor has the only community with a casino, there's been a lot of involvement at the community level in planning this casino. What's your opinion about no one from that community on the Ontario Casino Corp board?

Mr Nash: My opinion is that I think the brilliance of the statute is that it appointed a committee, a community committee, or a community committee must be appointed for every area where there is a casino. Personally, my belief is that a person should not be sitting on the casino corporation from the particular jurisdiction where a casino is located because I believe that conflicts can arise. I believe that the committee is designed to provide the specific community input, and I believe that that committee's responsibility, because it's statutory, must be recognized as being the vehicle for the community to have input. But the fiduciary obligation of a director of a corporation transcends community.

Mr Cooke: So the way you would see this then is that no one from Windsor should be on the casino corporation board, now no one from Niagara Falls should be on the casino corporation board, no one in the jurisdiction of where the aboriginal casino is going to be located should be on the board, and if a casino is located in Metropolitan Toronto at some point, no one from Metropolitan Toronto should be on the casino board.

Mr Nash: I think that's a policy issue that has to be determined. Personally, I believe that there can be and would likely be conflicts, giving my example, for instance.

Mr Cooke: What would the conflicts be?

Mr Nash: It depends on what your role is in the community in which you come from. But from my point of view, and I can only give you a personal situation as a lawyer, if there was a London corporation, the chances are that I would run across conflicts with respect to land acquisitions, various business dealings and things like that because of the nature of my law firm; or, I do labour work, and if I were involved in labour work, I know I would run into conflict with respect to the people I might be representing, either knowledge-based conflicts or direct conflicts in the nature of the work I do.

1020

Mr Cooke: You're talking about conflicts of interest that are covered, obviously, by other statutes that any appointment in the province—appointments and individuals have to be aware of that and cannot function if they're in a conflict of interest. We're not talking about that situation. We're talking about community representa-

tion, because the community, as a community, has the most at stake. Don't you believe then that the Ontario Casino Corp board needs to have some input at the casino corporation board level as to how the community is feeling?

Mr Nash: I've given you my viewpoint as to what I believe my duties as a director would be. The way other people approach it—the responsibility for appointments to the board is a government responsibility, not mine. As a board member, I'm only expressing what my feelings would be.

Mr Cooke: Why do you think you were chosen to be on the casino corporation board?

Mr Nash: I think my background speaks for itself. I think I bring a lot to the board.

Mr Cooke: Not all of your—I mean, you've got a very extensive political background. I think it's okay to be honest with the committee here that you know your connections with the Conservative Party had some influence as to why you were put on the casino corporation board.

Mr Nash: I'm a known Conservative. If people aren't aware of my political affiliation, they haven't been reading the paper or are not aware. I don't hide from my political affiliation.

Mr Cooke: Did you ever talk to Dianne Cunningham directly about a public appointment?

Mr Nash: I indicated to her at some point in general terms that I would be interested in an appointment.

Mr Cooke: Did you ever talk to Dianne Cunningham directly about being appointed to the Ontario Casino Corp board?

Mr Nash: No, I didn't.

Mr Cooke: Did you talk to any elected official or party official about the Ontario Casino Corp board?

Mr Nash: The only person I spoke to was Tonie Arnold.

Mr Cooke: Could you just, so it's on the record, tell the committee what your involvement has been in the Conservative Party, and we'll start at the provincial level, specifically in the London area ridings and your relationship politically with Dianne Cunningham.

Mr Nash: Yes. My political work goes back to the 1960s, of interest, having come from the area of John Robarts, and specifically started in 1971 in Ottawa with the provincial campaign. I can't say I really worked for but I did some general work, went to meetings and supported Albert Roy, who was actually a Liberal, at the time, and in 1972, in Ottawa, worked for a federal candidate, a Conservative candidate, in Ottawa East, a fellow named Valiquette, and during the 1970s I worked for the party in Ottawa, just as a volunteer. In 1974, I worked on a federal campaign in London, Ontario, in London West, for the Conservatives, and began my provincial involvement in 1975 where I worked for Gordon Walker, just in a general capacity, and through the 1970s worked provincially in Gordon's campaigns.

In 1977, I became more involved federally and worked in the federal—oh, I should say I worked and helped in David Peterson's leadership campaign in 1974-75 when I was going to school in Toronto. That's a personal relationship. David's from London and a family friend.

In 1977, I began my federal involvement and was campaign manager in 1979 for John McGarry in London West and have been a campaign manager for Tom Hockin in two of his campaigns, 1984 and 1988, and was not very involved provincially until Dianne Cunningham's by-election in 1988 or 1989. I was involved as a strategic planner with respect to that and was a co-chair of her leadership campaign and then have been involved in her other campaigns but not to the same degree because as I took on the hospital work I had to back off, mainly from a time commitment.

Mr Cooke: Have you ever been a campaign manager in any of the provincial ridings in London?

Mr Nash: No.

Mr Cooke: A fund-raiser?

Mr Nash: No, I'm not a fund-raiser.

Mr Cooke: Have you ever had a paid position with a federal or provincial party or a cabinet minister?

Mr Nash: I had an unpaid position with Tom Hockin. I was his interim chief of staff in 1986 and was in Ottawa and helped put his office together, but I refused payment for that role.

Mr Cooke: Do you believe that your extensive involvement with the party federally and provincially had any influence at all in your appointment to the Ontario Casino Corp?

Mr Nash: Well, I expect it may have. Nobody's told me specifically, but I would expect that it did.

Mr Cooke: So you don't believe that it's just coincidental that the community choice of representative on the casino corporation board, Mr Comartin, who was chosen by the mayor and members of council and recommended to the previous government, happens to be a New Democrat but was chosen by a council—you would agree then that it wasn't a coincidence that he was fired and a long-time Conservative, yourself, was appointed in that person's place?

Mr Nash: I haven't been told why that happened.

Mr Cooke: But your extensive political involvement would obviously—I mean, you're not politically naïve. You know it's not just a coincidence.

Mr Nash: From my perspective, I have not inquired as to what the reason was.

Mr Cooke: You don't believe that it's a little bit interesting and surprising that the board member from Sault Ste Marie, who happened to be a well-known Liberal, and a board member from Windsor, who happened to be a well-known New Democrat, were both fired and you were appointed, that there's nothing coincidental or unusual or controversial about that?

Mr Nash: I believe there was controversy, because I read the same newspaper clippings that most people read, but I don't have any comment on that. I was not involved in that decision, and I have no comment on that.

Mr Cooke: What do you think these types of appointments do for the legitimacy and public support of the

board, when they're obviously political patronage positions and your main reason for being appointed is the fact that you're a Conservative? How do you think that enhances the public view of the Ontario Casino Corp? Do you think it improves the confidence the public has in the Ontario Casino Corp board?

Mr Nash: I believe I was appointed for—my qualifications speak for themselves, and if you want to ask about the public confidence, then I think you have to look to my qualifications. I believe I'm qualified and that's the key.

Mr Cooke: You've been involved in politics for a long time. You know that when there are patronage positions that take place and a New Democrat and a Liberal are fired and a long-time Conservative, both federally and provincially involved in the party, is appointed, that adds to the cynicism of the process.

Mr Nash: That's your opinion, Mr Cooke. My—

Mr Cooke: You don't have an opinion on that?

Mr Nash: No. My position is that I'm a qualified person for this position and that's what's important.

Mr Cooke: I'm not saying you're not qualified. I'm talking about the public perception and the cynicism that's in the process. You don't have an opinion on that? Or you just don't want to express your opinion?

Mr Nash: I don't have an opinion on that at this point, Mr Cooke. I don't.

Mr Cooke: Your involvement and your interest in gaming is what? You've talked a lot about your involvement in a hospital, and obviously that public service is I'm sure very much appreciated in London by all the people in London and the province. But it hardly qualifies you to be on the Ontario Casino Corp board, and many of the areas that you've said you've been involved in and interested in you have nothing to do with on the Ontario Casino Corp board, because the employees work for the private company that runs it, so human resource issues are dealt with not by the Ontario Casino Corp board but by the management. So those are areas that you won't be dealing with. What is your involvement, interest in the past in gaming that makes you qualified to be on this board?

Mr Nash: First of all, the board does set the values, and I disagree with you on that. I think a board must set the values, particularly in human resource areas.

I have been involved in the gaming industry in an interesting way. When I started with my law practice, it was with a law firm called Shepherd, McKenzie in 1974. That law firm was the law firm that represented Commonwealth Holiday Inns of Canada. Commonwealth Holiday Inns of Canada operated hotels in the Caribbean, in Europe, and was involved in the casino gaming industry, and our law firm was involved in the regulatory process with respect to gaming. I found it a fascinating area, and—

Mr Cooke: Were you directly—you said your law firm was involved. What was your involvement?

The Vice-Chair: Sorry, the end of your time, Mr Cooke. We're going to have to move on to the government side now for questions.

Mr Bob Wood (London South): Perhaps I can open the government questioning by congratulating you, Mr Nash, on what I think is an excellent appointment. Your qualifications are self-evident and I think we're very fortunate to have someone of your background and experience come forward to assist in public service.

There are a couple of questions I'd like to ask you.

1030

Mr Peter Kormos (Welland-Thorold): You've set up the next campaign contribution.

Mr Bob Wood: I hope it's a substantial one, too, Mr Kormos. The question of representation has come up and I'd like you to tell me whether you feel that it is your primary function to represent your community on the board or all the people of Ontario on the board.

Mr Nash: I believe my job is to represent all of Ontario, that there's a fiduciary obligation that a director has and it is not directly related to the community. It is a provincial appointment. That's set by law actually. That's not just my personal view; that's a legal view.

Mr Bob Wood: The second item I'd like to touch on is the question of having people who support the government's policy on these various boards. I think the government has been quite right in removing from boards people who are not prepared to support the government's agenda. Are you prepared to support the government's agenda in the area of casinos?

Mr Nash: Well, yes, the government's agenda is—

Mr Cooke: And so were the two people your party fired.

Mr Bob Wood: Not in our opinion.

Mr Cooke: I don't want your opinion. You can't justify it; you just get to fire people and then hire long-time Tories. That's supposed to add credibility to the OCC?

Mr Bob Wood: I gave you the courtesy, Mr Cooke, of not interrupting your questions. I hope I'm not asking too much to ask you the same courtesy.

Mr Cooke: You may be when you make those kind of comments.

Mr Bob Wood: And I might say that I think it's quite refreshing that someone like yourself is prepared to come forward, commit to the agenda and take on what I think is a very important task, and I thank you for coming forward. Those are my questions.

Mr Nash: Thank you.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): Mr Nash, my question is why you have agreed to serve on the Ontario Casino Corp and basically you've satisfied my question in your opening statement, but perhaps you'd have something further to add to that.

Mr Nash: Regardless of all of the politics, I believe in public service and I believe that serving on this corporation is a matter of providing public service and I'm looking forward to that and I would encourage other people to become involved in public service. I think it's a very important part of what we do.

Mr Fox: Thank you.

The Vice-Chair: Anybody else from the government side?

Mr Douglas B. Ford (Etobicoke-Humber): Mr Nash, as a member of the Ontario Casino Corp, what specific experience do you have to ensure that the corporation maximizes profitability and at the same time provides a high level of service to the public?

Mr Nash: First of all, I think maximizing profits must be done within a framework and values that are established by the corporation so that, although there may be opportunities to maximize profits, one has to look at how that's developing. I bring the experience of having spent seven years dealing with a $165-million-a-year budget, chairing the last two years, specifically, in terms of dealing with dollars and having to deal with the community aspects of spending those dollars and accountability to the community and to the government.

I also bring the same type of experience in my law practice in terms of acting for and being involved with corporations that must meet those sorts of standards, and I act as general counsel to organizations that are regulated by the government, that have community responsibility and fiscal responsibility and you have to blend those two. So it's that experience in my law practice; I think it applies to what I'll be doing on the board here.

Mr Ford: Just one other question: Have you ever gambled? Have you played cards, craps, roulette, crown and anchor, blackjack, 21, slow draw, mah-jong, any of that type of thing?

Mr Nash: Probably most of those, particularly in my fraternity days at the university. But more recently, I haven't really had time to go to a casino to gamble, so—

Mr Ford: In other words, you're not an avid gambler who might go to, say, Monte Carlo, Vegas or Atlantic City?

Mr Nash: No, the last time I was in Atlantic City was on business for an airline that was being regulated by the casino industry and I was involved with that airline in assisting them with their application for approval to operate charters into Atlantic City. That's how I became familiar with some of the regulatory—

Mr Ford: And that's how close you've come to gambling.

Mr Nash: I'm sure I've put some money in a slot machine, but that was about it.

Mr Ford: Okay, thank you. That's all my questions.

Mr Peter Preston (Brant-Haldimand): Well, you worked on the hospital board and you weren't sick, so the fact that you're not gambling right now doesn't mean you can't be on the casino board.

I'm very happy that, with your qualifications, you are quite right, your qualifications speak for themselves. I think you're quite right in saying that community organization, the committee from the community will bring input from the community to the board. It's not necessary to have a man from the community—or a person, pardon me—on the board. If you don't have anything extra to add to that, I'm very happy with what's happening here. And if that's apple-polishing, I've just done it.

Mr Bert Johnson (Perth): Mr Nash, I wanted to ask about the mandate for the corporation.

Mr Nash: The mandate is dictated by statute and it's to ensure the proper operation of the casino, and the mandate really does cover both the fiscal and the social responsibilities, because the mandate involves promotion of tourism, development of partnerships within the community itself and it does have human resource mandates associated with it.

But I think what we have to remember here is that this is a board that is established by statute and that has statutory obligations and its obligations are dictated that way and within that framework we will operate, so the mandate's determined.

Mr Bert Johnson: So you're not at odds with the mandate?

Mr Nash: No, I read the mandate before I accepted the appointment because I wanted to ensure that there wasn't anything in there that I couldn't personally be involved with.

The Vice-Chair: Anybody else on the government side? If not, I'm going to move to the Liberals then because they have four minutes left and if you want to come back on again, you're more than welcome.

Mr Michael A. Brown (Algoma-Manitoulin): Good morning, Mr Nash. I think there's been some interesting suggestions made that you're quite prepared to support the government's agenda and I don't have a problem with that. I do have some difficulty in understanding exactly what the government's agenda might be. One of the things that the Progressive Conservatives indicated in the lead-up to the last election—in fact, during the last election in some areas—was that 10% of the profits of casino gambling would be provided to the community which the casino is in.

We've talked about it around the table this morning, about the possible social impacts on communities, the need for perhaps additional police, additional social workers of various types and that sort of thing. Do you have an opinion about some portion of the revenue of the casino operations going to the particular community that the casino is located in?

Mr Nash: Yes, I was aware of that as part of taking on the appointment, that that commitment was there. It's been there with the prior government and with this government and it's a commitment I expect will be maintained because of the nature of the impact on the local community. But I think you have to look beyond the local community, too. It broadens out and that's what those community committees are there to do, to give that input because I think it's presumptuous of a board of directors to try to discern that specifically themselves. I think that's what those committees have to do and they have to be given that mandate and I believe they are under the act.

Mr Michael Brown: As social policy and economic policy unfold in this area and I'm sure all across Ontario, we have to reflect upon both the pros and cons of this industry being in our communities. I'm wondering whether you think there will be adequate time to assess

the impacts of the Windsor casino and the proposed Niagara Falls casino and of course the casino that is to be operational at Rama, whether there will be adequate time in the next year or two, in your view, to properly assess the impacts in Ontario of the facilities that either now are operating or will be operating by that time.

1040

Mr Nash: I haven't had the opportunity to meet yet, so I haven't had the opportunity to have a full briefing on where matters stand. All that I have is the information that you all have, which would be the report that has been prepared, and that seems to be fairly comprehensive about the first year of operation of the Windsor casino. But I think we are going to find that what's in the report and what's in words must also be supplemented or enhanced by the input of the committee and by various other groups and people who have a great deal of interest in this industry.

Mr Michael Brown: Is it a concern of yours that it may be that, given the referenda that are apparently to happen in conjunction with the municipal elections, we may find across Ontario that numerous communities are interested in this particular concept, and in doing so, if the government then decides that "if you want it, you got it" sort of attitude, that we flood the market so to speak and instead of profitability and prosperity through this industry we actually end up with a bunch of white elephants around this province?

Mr Nash: I think the corporation would have to have strong views on that, not to allow the development of a casino that didn't have economic viability because that would be destructive to a community. So I think the corporation—

The Vice-Chair: Excuse me, Mr Brown. Your time is up and we can go back to the government side, if they have any questions of the person in front of us. If not, then that's it for today. Thank you very much for coming before us. It's been a valuable experience. We've all learned from you and good luck.

Mr Nash: It's been an interesting experience for me. Thank you, Mr Chair.

PATRICIA DeGUIRE

Review of intended appointment, selected by the government party: Patricia DeGuire, intended appointee as member, Ontario Board of Parole.

The Vice-Chair: The next person to come before us is Patricia DeGuire. Please make yourself at home there. Thank you for coming today.

Ms Patricia DeGuire: Thank you, sir.

Mr Bob Wood: Ms DeGuire, given your experience and background in law, can you explain why you've agreed to serve on the Ontario Board of Parole and how you feel the board is going to benefit from your membership?

Ms DeGuire: Just a minor correction for the record: The name is DeGuire, as in the French for "war."

Mr Bob Wood: Thank you.

Ms DeGuire: I do not propose at all to wage war today. I must first say thank you very much for calling me here.

To answer your question, Mr Wood, I deem it a great privilege to serve my community and I believe, as a child, "Decus est servire," it is an honour to serve. I bring to the board unity and diversity; unity in that I believe in the team effort approach and I've learned a lot of that from my legal experience working with colleagues, sharing responsibilities.

As you know, I have a legal background and in that legal background I have learned to use heuristics to garner information from accused that perhaps is cross-examination and direct examination, asking appropriate questions to get salient information for the purpose or issues at hand.

I've had experience speaking to people incarcerated. I've had experience speaking to victims of people who are incarcerated or charged. As well as a legal person, I've had the benefit of and the privilege of thinking on my feet, and that is indeed quite a challenge when you're in the legal forum and you're asked questions by a judge and you know you're there protecting the interests of someone who's depending on you.

Mr Fox: How did you find out about this position?

Ms DeGuire: I follow the news, and it was announced in the news that the government was making radical changes on the board. A friend of mine who is also a friend of David Gordon's—in fact he is a mentor. I was discussing my future with him and he mentioned it to me. He said, "With your legal background and your vast background in community work etc you should put your CV forward," and that I did. I was given an interview and had the privilege of being appointed.

Mr Preston: Ms DeGuire, what do you think of the way the Suzack case was handled?

Ms DeGuire: I'm very familiar with the case. I've read the Wein report and I've also read the NDP reforms after the Wein report. I extend my sincere sympathy, as I always have, to the victim of Mr MacDonald. I commend Mr Fragomeni for wanting to be a member of the board.

But I focus on the positive aspect that has come out of that. There have been changes. The NDP actually introduced reforms; for example, requesting that police reports and perhaps clinical reports be presented before a decision is made. The Conservative government also went a bit further by making very substantive changes or recommendations to the board to enhance the board's performance. Out of a bad situation came some very good, and that's my opinion about the Suzack matter.

Mr Preston: How do you feel about legislation telling you that a person has to get out before his time is finished, mandatory remission? How do you feel about that?

Ms DeGuire: I see it very differently, sir. The legislation gives discretion. It doesn't tell. It is proactive and it is prescriptive. It is succinct, and it is not absolute. The legislation says "if" and gives you the basic minimum, the criteria you must work on. It's up to the personnel making that decision to bring their experience to bear on the information beforehand to determine whether the legislation mandate should be carried out for that particular situation.

Mr Ford: Thanks for coming this morning. What type of community involvement have you had to enable you to represent the views of the community at large?

Ms DeGuire: I'll start from my present position. I'm the chair of one of the largest school community councils in York region and I've held that position by unanimous vote for the last three years. I work with mayors, I work with trustees, I work with parents, teachers, administrators of schools, and children themselves. Actually, in our discussion or meeting that we hold once a month, I encounter many parents and we discuss the views about the public at large. I'm in a position where I can hear what they have to say.

Also, I've worked on the SALEP committee. That is an education committee as well, but that—

Mr Ford: Are these volunteer? Pardon me for interrupting.

Ms DeGuire: They are indeed volunteer work. I actually sit in the chair. Children who want to leave school before the age of 16 are required to appear before the board, by legislation. I sit on the board as a community member and I speak directly to the youth—many of them are in trouble with the law—and explain to them the wheres and whys and wherefores of life and try to direct them in the right path.

I also serve as a committee member of the feminist legal analysis committee of the Canadian Bar Association. They have an array of people again who are concerned about—many of the women there are practitioners of family law, and many times we have views; although they come from a legal perspective, there are also personal and public perspectives about how they feel about the law.

I've also worked with parents as a scout leader and I hear from them as well their concerns about the public and the criminal justice system. I listen, because I like to listen and I like to do what I can to address those concerns.

1050

Mrs Lillian Ross (Hamilton West): Ms DeGuire, it's a pleasure meeting you, and thank you for coming today. I understand that in your job as an appointee to the parole board you might be required to do some travel to various correctional institutions. Would that present a problem for you?

Ms DeGuire: Certainly not, ma'am. It gives me an opportunity to get away from home.

Mrs Ross: Thank you. I think you're going to make an excellent member.

Mr Fox: What's your knowledge of the Victims' Bill of Rights?

Ms DeGuire: I've got before me Bill 23. I tried tracking down this bill for the longest while because I wanted to know what was in there and to find out if it meets the needs of victims, and there is indeed a need. I've had a cursory look at the bill, and from my cursory look—first I should say this is legislation, and legislation is never written in stone. As the need arises, I believe we live in a democratic era where the government will exercise—

Interjection.

Ms DeGuire: Can I continue? I noticed the gentleman was speaking.

Mr Kormos: You provoked him.

Ms DeGuire: I did? My apologies, sir. I promise I won't do it again.

As I was saying, this in itself is legislation, and I see legislation as a tree, that it grows, and as the public indicate their concerns about what it contains in here, I have every confidence that the government will act accordingly. But I believe it is a first step in the right direction, in that for the first time the rights of victims are entrenched and it's no longer deemed to be a privilege but a right; it is legislated.

I note that there is a section here asking judges not to ask for security for costs. I think that is very important, because security for costs can be a real hindrance to access to justice, and that is exactly what we do not want to happen to victims. We want them to access the justice system.

Mr Bert Johnson: Ms DeGuire, I've read with interest your background and some that you've mentioned, because I served about four and a half years on SALEP as well. I'm a fellow of the Insurance Institute of Canada as well. My question is, do you agree with the criteria for granting parole?

Ms DeGuire: When you talk about the criteria, I think you're referring to the basic, that you release someone if they won't be an undue risk to society and also if, by releasing that person, that person would be a benefit to society etc. Those are the criteria you're referring to, sir?

I do not see it as whether I agree with it. I see them as succinct criteria; they're succinct in that they actually explain to the person who is applying what is needed to be done. As I mentioned before, it is proactive because it is for parole.

I pause here to say that an inmate is a person from the community who has been taken out of the community simply because that person did not conform to the norms of the community. But we must always remember that sentences are not indefinite very often, and that person must reintegrate back into the society. In order for that person to fit into society and again become a law-abiding citizen, there ought to be a mechanism to allow that person back into the community. If the parole process is that mechanism, then the legislation itself is proactive in that respect, it allows that to happen.

Mr Gravelle: Good morning, Ms DeGuire. I'm certainly impressed with your clarity and your sense of what this position entails and what it offers. I have no doubt that you'll be an excellent member.

Ms DeGuire: Thank you, sir. You're very generous.

Mr Gravelle: You certainly have a very strong sense about a number of things, and I appreciate that.

Obviously, this is a one-year appointment because there is going to be a look at whether the Ontario parole board will be carrying on; there will be some discussion as to whether it should just be folded. What is your

opinion on that? Do you think there is an important purpose to be served by keeping it at the Ontario level, or should we simply fold it up and let the National Parole Board deal with it?

Ms DeGuire: I generally don't like to answer a question with a question, but I said just a few moments ago in response to one of the honourable members that the purpose of parole is facilitating a reintegration back into society, and of course one can argue that it can be done at the national level.

But since 1910 the Ontario government has deemed it fit to have a parole board. Indeed, the board has been criticized and many comments have been made that there ought to be changes. Mr Drinkwalter had been given a commission to make an inquiry and to determine whether the board should continue, and I don't know what his decision will be. I suppose we'll have to wait until then to find out what that decision will be.

Mr Gravelle: I appreciate that, but I also think it's probably fair to ask you, as a person who will potentially be in this position, whether you will contribute to that decision in terms of your point of view. I would be surprised if you didn't contribute to that in terms of your point of view.

Obviously, it will come down, hopefully, to what is the best way to handle the situation, and there certainly is a great desire expressed by a number of people in the province that the whole situation be handled differently than it has been in the past. Whether it's handled at the Ontario level or the national level is significant, and I would have thought you would have an opinion on whether it should remain the way it is in terms of jurisdiction or change.

Ms DeGuire: The board will never remain as it is, sir. I would be quite disappointed if the board continues as it is because I believe in a continuous learning environment, and when you learn there are changes, and I like changes if they're for the good.

Mr Gravelle: What are some of those changes you would personally recommend? There have been some reforms made by the previous government. There are reforms being put forward by the present government. Are there specific changes you would make, having observed the situation as closely as you have?

Ms DeGuire: At the moment, no, there are no changes. What I would have hoped to see recommended by Her Honour Judge Wein, for example, and I think it's very important, is to have a collaborative effort between all the different areas of the criminal justice system. That is very important. Also would be including in the board file, for example, a CPIC report, police report. There's also having the judge's decision for certain sentencing. I bring that with me because I have that experience. I know that sometimes seeing what a sentence is but not knowing the reason behind that sentence could actually make a big difference; having that.

Those are recommendations that have been put forward. I understand from the chair that he's taking steps to ensure this collaborative effort between the criminal justice system. I see the board as the feet; the trial system, as it comes down and sentences, is probably the head etc, and it is very important that the feet have an idea of what took place beforehand.

Those are things I'd like to see and they are things that are currently in place.

Another thing in place is the victim impact statement. I know the board has taken proactive steps in ensuring that we have that, and that wherever the board file is, it is so highlighted on that file that it will arrest the attention of whoever is handling that file or making a decision.

As time goes on, I'm sure there would be things I'd want to contribute, but at this juncture I have none. I can tell you that I'm a very curious person, I'm very creative, and my eyes are always wide open to recommend or to see that changes take place if they will be effective.

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Mr Gravelle: One of the criteria for being appointed to the board, obviously, is the issue of public safety and improving the public safety and people's feelings in terms of being safe, which of course has to be balanced by the responsibilities in terms of potentially, I presume you would agree, what is also the best for the person who has been convicted and who's going towards parole.

It's a difficult line to draw, but certainly I know with this government it was a major issue in the campaign and I'm curious as to how you feel you can draw the line between the issue of public safety—in other words, if you err on one side, as a board member do you have a sense of how you would determine that? Presumably it would be individual cases, and everything varies, but the public safety issue obviously is a key one in terms of the appointments that are being made.

Ms DeGuire: Sir, I must admit that I'm not too sure I understand what your question is.

Mr Gravelle: Your job is to make a recommendation as to whether or not someone is let back into the community perhaps or is put into a different situation. The whole issue of public safety is one that—I'm sorry if I have confused you; I hope I haven't confused everybody here.

Ms DeGuire: No, I'm not confused. You're just not clear.

Mr Gravelle: I guess I'm trying, in essence, to feel you out. The appointments are clearly made in terms of people who they feel will be most concerned about public safety, in other words, may make decisions based on that judgement. I've been listening to you and I feel you're certainly someone who will make a very informed and thoughtful decision, but I wondered in essence how you view the importance of public safety, where that falls into your own philosophy; how important is the public safety issue as opposed to the rights of the person who's been put in jail?

Ms DeGuire: Public safety is for me, sir, and should be for everyone, first and foremost. Public safety and the protection of the public is a right; parole is a privilege. I do not see it as whether they should stay in prison. An inmate is rightly incarcerated because of the democratic process that we have set up in this country. I see my job

as, does this person meet the criteria to the effect that that person could be let out to be supervised so that he or she could be reintegrated into the society? I do not see it as whether I ought to keep that person in jail. That's the way I see it.

It is a balancing exercise, of course, balancing the right of the public to be safe versus the privilege of an inmate who is rightly incarcerated to be let out. One brings to bear to that whole balancing exercise the information and the tools that are presented: good judgement-making skills, good decision-making skills, heuristics, being able to ask the right questions of that person, looking at the person's background, their criminal record, to see whether that person is actually living a pattern of crime and whether it's escalating or de-escalating. That is the approach I bring with me.

Mr Gravelle: Thank you. Your answer was far more clear than my question.

Mr Michael Brown: I certainly appreciate you coming to see us this morning. In a perfect world the parole board will make the perfect decision all the time, but this not being a perfect world, and being even less perfect in that the criminal justice system in this province does of course react to funding pressures, whether that be in the court system, in the policing, in the prison system, whatever, there are real pressures sometimes put on all of us, no matter what side we're on here, that we don't really want to happen but the real world says, "There's so much money to do these things."

It seems to me that if we follow the logical conclusion of what we're seeing in government policy in this province these days with increasing cutbacks, jails being closed, there will be, because of fewer places to put people, increased pressure on the Ontario Board of Parole to release people, so the board is going to be under, in my view, some pressure to make some decisions that it perhaps does not wish to.

I just wonder, in your role as a member of the parole board, whether you would feel that you should be bringing this to the attention of the government if there is increased pressure upon you to release people, that you would feel comfortable in communicating to the government that discomfort in being forced into decisions you don't want to take.

Ms DeGuire: First, we know that there are economic constraints, and whether you're an NDP, Conservative or Liberal, you've got to face reality and realize that we cannot continue living the way we used to in the 1980s.

Second, I'm given two criteria by the board to make a decision whether someone should be released and I will be guided by that. If I find there are conflicts between those decisions and economic constraints, I have superiors and I will make my views known to my superior. In turn, my superior and perhaps the chair should be the person to report to the government and tell it whether those problems that we are facing are economic in nature and where they can be redressed.

Mr Michael Brown: I think that's fair. It's just that I guess many of us here, I think it's fair to say on all sides, understand that there is maybe a collision of agendas here. That's happening whether it's in the justice system or whether it's in the social services system, wherever. There are certain objectives that are being limited by the economics of the present situation.

It seems to me we could get into the situation where perhaps, if the parole board is not granting enough paroles to keep the jails functioning in a proper way, we get into some things that have happened in the American experience, where a judge comes along and says, "Look, everybody with only three months left in their sentences, out," because there's overcrowding in prisons and that creates a lot of difficulty for society as a whole when a judge somewhere rules prisons are overcrowded. To heck with what the parole board says, to heck with what the trial judge says; their right is not to be overcrowded and therefore they're on the street.

It is a strong concern to me and I suspect to all members, how this might happen. The way to avoid it is, of course, to start paroling more people. I've been wrestling with this, as many members have, how the parole board in conscience could start granting paroles, as a group, that they don't wish to. It's just kind of subtle pressure that will be there.

The Vice-Chair: Mr Brown, your time's up. There isn't time for a response, so we're going to move on to the third party.

Mr Kormos: Ms DeGuire, I suspect the most challenging thing you've done, I see here, is trying to explain to an insurance company the implementation of Bill 164, which certainly was a dog's breakfast if there ever was one. But that's of course not relevant to your application for the parole board.

You're working at old city hall or other courts in the Toronto area.

Ms DeGuire: I've worked in all the courts in Metropolitan Toronto.

Mr Kormos: So you see and have seen on a daily basis—you're working as duty counsel, you're working down in the cells, in the bull pen with people coming in and out of there. Would you agree with me that as a generalization, the types of people who come into old city hall and other provincial courts tend to be disproportionately undereducated, disproportionately underemployed, disproportionately poorer than most of the people in the community?

Ms DeGuire: I'm thinking back, sir, on the past over 2,000 interviews that I've done. I know I generally ask about a person's employment status etc, but I can say I've seen in the way of people doctors, accountants, people who have jobs, people who do not have jobs. To be quite candid with you, my job was so very pressured, and sometimes one morning I'd have about 40 people to interview, that I didn't really turn my attention per se. But it's quite possible.

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Mr Kormos: I see that since you've been called to the bar, your sole practice as a lawyer has been as a legal aid duty counsel.

Ms DeGuire: Right.

Mr Kormos: Why have you not embarked on a practice of defence law, for instance?

Ms DeGuire: Actually, my contract as a duty counsel ended on September 8 and I was unable to pick up my appointment at the board because I had a jury trial in November, a three-day jury trial on robbery. What I'm saying to you is, between that short period I had already made steps to establish my own practice.

Mr Kormos: A private practice.

Ms DeGuire: Yes, and to the extent where the case I referred to was one that was referred to me by a senior counsel because, in his own words, he admired and respected my expertise to have me as a co-counsel with him on a robbery trial.

Mr Kormos: You have views about the rehabilitative capacity of Ontario's prisons. Does rehabilitation take place in Ontario's prisons?

Ms DeGuire: There is some effort.

Mr Kormos: Would you be more precise about that.

Ms DeGuire: I understand, and I have actually been observing hearings and readings, and the inmates would tell us that they have taken part in seven-step programs, they have done what they call MSAP and they have done a lot of the programs in the institution that they believe will help them to reintegrate in society. So if they're telling me that they're doing these things, they're certainly there.

Mr Kormos: I note that from February to June 1993 you were coordinator of the CBA Task Force on Gender Equality, women of colour contingent. Do you have concerns about this government's repeal of the employment equity legislation?

Ms DeGuire: I have no comments.

Mr Kormos: I'm asking you if you have concerns. You don't want to answer that.

Ms DeGuire: You're asking me whether I have any opinion on the repeal. No, I have no comment.

Mr Kormos: Okay. You have an opinion but you don't want to speak to it.

Ms DeGuire: I have no comment.

Mr Kormos: Similarly, with respect to the recent cuts in general welfare assistance to the tune of some 21%, do you believe that's a positive thing, in view of the number of poor people who may find themselves engaged in crime?

Ms DeGuire: With due respect, and I respectfully submit, I really do not see how that would interact with my function as a parole officer.

Mr Kormos: You see, the problem is that you come here prepared to answer questions. You're not defence counsel right now, and once again, I understand you're saying to me you don't want to answer that question.

Ms DeGuire: I am saying, sir, perhaps if you could point out to me how that relates to my function as a parole officer, I'd be more than willing to answer your question.

Mr Kormos: That's the problem. You're not defence counsel here and you're not a litigant. You're not here to raise objections and there's no restriction on the types of questions that could be asked here. Do you understand that?

Ms DeGuire: That is indeed true.

Mr Bob Wood: Mr Chair, there are no restrictions on the answers either. She's answered the question.

Mr Kormos: Was that Mr Wood? He's been watching TV again. I can tell, which is about as close as he's ever going to get—he watches too much TV.

You were involved with new Canadians, immigrants, Latin-American refugees back in 1984. Have you maintained that involvement?

Ms DeGuire: No. I did it for a period of time and then I moved on to other things.

Mr Kormos: Why did you leave your involvement in that?

Ms DeGuire: I took it on for a while; I decided that I was going to do it for two years. I did it for two years and then I went on to do other community activities.

Mr Kormos: What succeeded that?

Ms Deguire: I can say at that juncture I perhaps was balancing about four or five different community projects, some of which I can't even remember, but I can tell you I'm so active in my community that sometimes my family wonders where I live.

Mr Kormos: I notice that you worked for Guardian Insurance. You were head of the insurance claims department from 1983 to 1988. What caused you to leave Guardian?

Ms DeGuire: I left Guardian to go to law school.

Mr Kormos: What motivated you to leave Guardian and go to law school?

Ms DeGuire: I always wanted to have a legal education. It was just the first opportunity that presented itself to me and I actually seized it, and I'm glad I did.

Mr Kormos: You went to Osgoode Hall Law School?

Ms DeGuire: Yes, sir, I did.

Mr Kormos: Were you involved in the clinic services there?

Ms DeGuire: Yes, sir, very active.

Mr Kormos: What type of work did you do in the clinic services?

Ms DeGuire: I worked at class. I did some criminal, some civil and duty work as well.

Mr Kormos: You were involved with the Ministry of Attorney General during periods of—what—in 1991 you were articling there?

Ms DeGuire: Yes, sir.

Mr Kormos: Who was your supervisor there?

Ms DeGuire: My supervisor there was Jeffrey Graham.

Mr Kormos: Did he have positive things to say about your performance there?

Ms DeGuire: So positive that Mr Graham is not only my director, but he's also a mentor and a personal friend.

Mr Kormos: Yes. Then you worked for the Ministry of Attorney General and then seconded to the Ministry of Finance. What were you working on there in February to April of 1993?

Ms DeGuire: I'm sorry?

Mr Kormos: You were working with the Ministry of Finance, legal services. What were you working on there from February to April of 1993?

Ms DeGuire: Actually, sir, you have my CV there and refresh my memory. I have done so many things, it's sometimes very difficult for me to track them down. But I believe at that juncture I was asked to make presentations and give an opinion to the committee on human resources and hiring practices. I believe that's what it was.

Mr Kormos: Yes. You worked with the Ministry of AG from August to September of 1993. What did that involve?

Ms DeGuire: That involved—at that time, there was a civil program review and I worked on that project to do the reconfiguration of the delivery of service to the clientele. Basically we were looking at how best can the Attorney General deliver service to its client ministries in an effective manner, and I was asked on board by the ADM.

Mr Kormos: You made reference, and I didn't pick up the name—you mentioned Jeffrey Graham as a mentor.

Ms DeGuire: Jeffrey Graham.

Mr Kormos: You made reference to somebody who advised you to apply for this full-time position on the parole board. Who was that?

Ms DeGuire: That is indeed the gentleman.

Mr Kormos: That's Jeffrey Graham.

Ms DeGuire: Jeffrey Graham.

Mr Kormos: He's still with the Ministry of the Attorney General?

Ms DeGuire: No, sir.

Mr Kormos: Where is he?

Ms DeGuire: He made a wise decision and he left. He's now with Borden and Elliot.

Mr Kormos: Did his advice include anything you should do beyond merely filing the one-page application for appointment?

Ms DeGuire: Mr Graham gives many advices.

Mr Kormos: Yes.

Ms DeGuire: As I mentioned, he's a mentor.

Mr Kormos: Yes, I understand that and he's brilliant.

Ms DeGuire: Very brilliant and very considerate.

Mr Kormos: Yes, as are his acolytes, as he would put it. But what else did he tell you about the application for appointment? What else did he tell you to do besides submit the application for appointment? Did he give you any other advice to the end of securing the appointment?

Ms DeGuire: No, sir.

Mr Kormos: Did anybody else?

Ms DeGuire: Give me advice?

Mr Kormos: Yes.

Ms DeGuire: Oh, I'd be very daft if I sit before you here without seeking out advice from people.

Mr Kormos: Yes, and what was that advice?

Ms DeGuire: So I sought out much advice.

Mr Kormos: Yes, and what was that advice?

Ms DeGuire: And the advices that I received—and perhaps, sir, with respect to what, though, I may ask before I actually end up into a no-ending winding path?

Mr Kormos: Yes. Did you talk to any elected political people about your application for appointment?

Ms DeGuire: No.

Mr Kormos: Did you talk to any staff in any elected political people's offices?

Ms DeGuire: At my interview and before the interview I called to find out what was the protocol.

Mr Kormos: Yes. Who did you speak to then?

Ms DeGuire: I spoke to a gentleman at the appointments office, David Gordon.

Mr Kormos: You're being considered, obviously, and have been in so far as the government's concerned, for appointment to the parole board. You also sought appointment to the pension commission, the insurance commission, the Human Rights Commission and the police complaints review board or panel. Which of those is your preference?

Ms DeGuire: Sir, I am a very multi-skilled person and I applied for positions that I believe my skills would apply to. As you rightly pointed out, I have a very long career in the insurance industry and that's the reason why I looked at the insurance commission, and if I'm given that opportunity, I will accept that opportunity.

Mr Kormos: You talked about radical change as it applies to the parole board. Is that consistent, in your view, with the sorts of changes that have been proposed?

Mr Gerry Martiniuk (Cambridge): I'm sorry, Mr Chairman, I don't recall any radical change.

Mr Kormos: I made notes, Chair. You made reference to radical change—

Mr Martiniuk: The word "radical" was not being used, Mr Kormos.

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Mr Kormos: Please. Are your views about need for change on the parole board consistent with what you understand this new government's views to be with respect to law and order and toughening up the parole board?

Ms DeGuire: I mentioned the changes and recommendations that came from the Wein report. I mentioned those changes and I can say that some of them—for example, if I may be specific, that a decision should not be made if crucial information is not on file. That is something that the board has adopted and is in place. I can attest that I've been to hearings where the effort has been made to ensure that those documents are present, that a person having been charged with a level 1 offence, their case will be reviewed upon—

Mr Kormos: Bob Runciman said that the new batch of appointees will put public safety first over prisoners' rights. Are your views consistent in that regard with the Solicitor General's views?

Ms DeGuire: Sir, I made the comment earlier that public safety is a right, and that ought to be everyone's concern regardless of your political persuasion.

Mr Kormos: Once again, are your views consistent with the Solicitor General's—

Ms DeGuire: My views are, sir—

Mr Kormos: —that the issue of public safety should be put first?

Ms DeGuire: Sorry. I should have let you finish. My apologies. My views are that I am a member of the public and I want to feel safe. I want to make sure that when I go home at night, I sleep without any concerns about having somebody breaking into my house.

Mr Kormos: And how are your views on that achieved?

The Vice-Chair: Mr Kormos, your time is up. The government side still has a bit of time left if there are any further questions they'd like to ask. If not, I'd like to thank you, Ms DeGuire, for coming before us. It certainly has been helpful. We wish you well.

Ms DeGuire: Thank you very much, and I'm sure that you won't be disappointed.

The Chair: I would entertain a motion for concurrence. Do you want them one at a time? Okay. I would entertain a motion for concurrence on Mr Nash's appointment to the Ontario Casino Corp.

Mr Bob Wood: I move that the committee concur in the appointment reviewed this day of Mr David Nash.

The Chair: Any discussion on that?

Mr Kormos: One of the problems with these brief periods of discussion with applicants and potential appointees is, firstly, the paucity of information that's delivered—other than the application and a CV as in the case of Mr Nash—and the brevity of the discussion. So there really is limited opportunity to discuss with that person his or her views, perspectives, background, experience, commitment, motivation.

In the case of Mr Nash, we learned a number of wonderful things: He belongs to the London Club; he belongs to the London racquet club—that's R-A-C-Q-U-E-T, otherwise it would be entirely inappropriate for him to be appointed to anything akin to a gaming commission; that's not to say there aren't rackets involved in it—he belongs to the London Hunt and Country Club. Those are all, I suppose, expensive, and in that regard, just like BMWs and Mercedes, admirable things. He also belongs to the Canadian Bar Association, which is no big deal. It costs you a deuce a year and you're on; to the Advocates Society, which again is a pay-as-you-go organization.

I'm really concerned that, number one, when the discussion about Mr Nash's background, motivation and capacity to serve was done in isolation of other applicants, the strong inference to be drawn is that Mr Nash—and again, he was very candid in terms of acknowledging a long and intimate and affectionate, almost incestuous, history with the Conservative Party of Canada and of Ontario. He's clearly bedded down more than once, for virtually a lifetime, other than the one aberration of Mr Roy in Ottawa, who is a pretty conservative Liberal.

At the same time, he's a lawyer—God bless. To discuss Mr Nash in a vacuum, without understanding who the other applicants were or are, without understanding more specifically why two previous appointments were fired, one of them clearly for the purpose of accommodating Mr Nash—and certainly, that's the irresistible conclusion to be drawn—the other, obviously, to clear the way for some other applicant or appointment. I think it's extremely dangerous and I think this committee has to be very careful to avoid—I know the government caucus members get pre-printed questions to ask these people, which are designed to be benign and comfortable.

Mr Preston: Mr Kormos came and read.

Mr Kormos: As a matter of fact, I looked over the shoulders and read the pre-printed questions as I saw them on their desks. So in fact they do have these things.

My concern is that if this committee doesn't take its position seriously enough to conduct aggressive examinations of personalities before it, then the committee is not serving its purpose, is not fulfilling its responsibilities and its function. It would, in my view, be derelict of this committee to approve Mr Nash's appointment, especially at this point in time, because it reveals nothing other than—and I mentioned last week that patronage—and I understand patronage; it's historical. I remember Judy LaMarsh once referring to patronage, she talked about it as the grease that makes the political wheels turn. I understand that as well.

But she, as well as having said that—and she, in my view, was an outstanding political personality in this province and country—pointed out, having said that, that patronage without merit, if that patronage is not conjoined with meritocracy, then it becomes a real evil and it becomes as much the source—I suppose in that respect I should be pleased—of downfall of the capacity of a government to have its boards, agencies and commissions function properly as anything else. At the same time, and not wanting to be partisan, I understand that these boards, agencies and commissions do operate important institutions in the province of Ontario.

The Ontario Casino Corp, especially now, is faced with the challenge of a new casino development that was announced in the economic statement of Wednesday past in Niagara Falls. Perhaps because my riding is part of the Niagara region and the development of a casino location there will have a significant impact on Niagara region and my own riding, I suffer from some bias, but I try very hard to avoid that in how I address this—but extremely important challenges.

Clearly one of the issues with respect to the Ontario Casino Corp is that it must be free not only from corruption, but any prospect of corruption, because we know and when we witness, for instance, the most recent gubernatorial election in Louisiana and the high profile that casino development in Louisiana took during that incredibly heated gubernatorial race and the opposition to casinos that is developing in the new casino jurisdictions in the United States—I'm referring specifically to Mississippi, with most of its casino development located along the Biloxi strip that you're familiar with, and Louisiana, being two of them where there has indeed,

since the implementation of casino operations, the development of that type of regime, that type of jurisdiction, along with the slots and other games of chance that accompany spread throughout the community—and I appreciate that isn't the model that Ontario has experienced yet.

What we've witnessed is a conversion from the initial exuberance of the community, saying, "By God, these things bring development, they bring jobs, they generate tourism potential," to high levels of concern and frustration after the consummation, if you will, high concern about the levels of corruption; the real danger, and again it's undeniable, of gambling addiction; the real concern about trying to distinguish in your clientele between local, domestic patrons of the casino and tourists, and the dangers that poses for people. Again, understand clearly that I have become a reluctant advocate of casinos simply because things are desperate enough in so many parts of the region that I recognize casinos can be, if properly developed, a reasonably controllable enterprise that can generate some employment, can generate some tourism traffic.

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But to select somebody for so important a position who clearly is, prima facie, a political appointment, pure patronage, without having an opportunity and without having displayed to us anything about himself that would demonstrate competence to serve in this particular role—I mean, it's pretty interesting that while he belongs to some pretty high-brow social clubs in London and indeed was active on the hospital board, we don't see any participation in, let's say, more charitable organizations in his community. We don't see any demonstration of a commitment, let's say, to the poor of his community. We don't see any demonstration of a commitment to the afflicted of his community. I suppose if you consider the ill among the afflicted, serving on a hospital board—

Mr Bob Wood: Mr Chair, on a point of order: Mr Kormos has now had nine minutes to make submissions. Could we invite him to wrap up in another 30 seconds so the official opposition can get a chance to comment on this?

The Vice-Chair: According to the rules, Mr Kormos has all the time he needs to put his thoughts and questions.

Mr Bob Wood: We're going to put a motion for the question in a couple of minutes if he doesn't wrap up.

Mr Kormos: Not as long as I have the floor, you won't.

The Vice-Chair: You can do that when you get the floor, Mr Wood.

Mr Bob Wood: I move that the question now be put.

The Vice-Chair: You can't until you get the floor.

Mr Kormos: Thank you, Chair. By gosh, I have to backtrack a little now because I was distracted.

In any event, in my view it would be, as I've mentioned, derelict to merely rubber-stamp a patronage appointment. Clearly, the government members on this committee are in the majority. Clearly, no matter how strongly the opposition members of this committee rally, no matter how strongly they argue, no matter how clearly they illustrate to government members the folly of a particular appointment, the government members will be whipped, because that's how it's done, and the Chair knows that. They've got their marching orders, they're going to do as they're told in terms of supporting government appointments, and the appointment will take place.

I merely call upon committee members of all political stripes to understand that there are far more important people in your caucus than the whip, there are far more important people in your lives than the whip; that is, the residents of your community.

I intend to vote against this appointment, not because Mr Nash has in himself displayed any lack of competence, but he hasn't displayed any competence or any capacity or any particular skills that would make him uniquely suited to the very important role that the Ontario Casino Corp is going to be playing in the immediate future of this province.

Even when one considers the mandate of the corporation, that is, "To enhance the economic development of certain regions of the province, to generate revenues for the province and to ensure that any measures undertaken in accordance with the above principles are undertaken for the public good"—I emphasize "public good"—"and in the public interest," and I emphasize "public interest," there is nothing contained in the curriculum vitae of Mr Nash or that was apparent during our discussions with him that displayed any special sensitivity to economic development and regional economic development or to a maintenance of the public good and public interest, even to the point of no effort on the part of Mr Nash to explain what his perception was of public good/public interest or what his perception was of economic development of certain regions of the province.

I'm opposed to this motion. I will be calling for a recorded vote at the time of the vote, and I put you on notice in that regard now, Chair. Now I'm relinquishing the floor.

Mr Preston: In terms of both sides of this floor really checking into something, I think the events in the past couple of weeks show that nobody here is a rubber stamp, that nobody here is just automatically passing people. The fact that appointments are pushed through is not true.

Despite the fact that Mr Nash has committed the heinous crime of being successful, the heinous crime of belonging to fashionable clubs—if I were in his position I wouldn't just belong to the YMCA; I think I'd belong to different clubs, as everybody else here does. Maybe not everybody; some people may not be acceptable in some clubs, but I would hope that everybody here is. Anybody who has the warped sense that the appointments here are made to fill vacancies of people who have been fired is again just a warped sense.

Mr Nash demonstrated full competence in this particular appointment, and I, for one, will be happy to stand and have my vote recorded.

On a point of order, Mr Chair: Did I just see a member of this committee make a financial payoff to the Chair?

Mr Kormos: You sure did. That was my contribution of $5 for poor Floyd Laughren, who, as you know—

Mr Preston: You can't refer to the former Treasurer as "poor."

Mr Kormos: Listen, if you had been reamed out the way he was just reamed out, we'd consider you poor too, somewhat impoverished. The pain and discomfort level is significant. I certainly wish Mr Laughren well and I'm pleased to participate in this contribution to a modest gift for Mr Laughren.

Mr Crozier: I want to preface my remarks by saying that I think Mr Nash comes with qualifications that probably he shares with thousands of people in this province to be able to dutifully serve the board.

I have one small concern. I'm very familiar with a person who was appointed, for example, to the board of Air Canada. It was a patronage appointment by the Mulroney government, and I understand how patronage works. He hasn't been fired yet, though. That's what bothers me. The members there, particularly one, Mr Comartin—he was from the community. He was suggested to be on the board by the council and a committee of the city of Windsor, notwithstanding Mr Nash's attempt to say that there might be a conflict of interest. I think that was a very weak attempt to give a reason why someone from London maybe shouldn't be appointed to the board.

I am disappointed that the replacement was made of a qualified person, not one from my party, but I think qualified. I'm only sorry that the secretariat and whoever controls the appointments didn't take that into consideration.

The Vice-Chair: Could we put the question?

Mr Bob Wood: We should put the question.

The Vice-Chair: I've been asked for a recorded vote. All those in favour of the appointment will please raise their hand and the clerk will record it.

Ayes

Brown, Crozier, Ford, Fox, Gravelle, Johnson, Martiniuk, Preston, Ross, Wood.

The Vice-Chair: All those opposed?

Nays

Kormos.

The Vice-Chair: The motion of concurrence is carried.

1140

Mr Crozier: On a point of information: Mr Nash is already on the board, right? I should have asked this before. Do we still need a vote on it?

Mr Bob Wood: I thought under the standing order we had to vote on it.

Clerk Pro Tem (Ms Lynn Mellor): The order of reference indicated that the committee should follow the standing orders.

Mr Michael Brown: On the same point: I'm subbed in on this committee and it's not my normal place, so maybe the Chair could just help me with this process. What the committee in effect is doing is concurring with the government appointment. Whether we concur or not, the government is not bound to do whatever we suggest.

I suggest to you that that has been a long-standing difficulty the Liberal Party has expressed with this particular process, that the committee is actually only offering advice and really has no power to actually approve or deny an appointment to anyone. Just so people understand, this objection was placed before the former government when this process was initiated as being something that we in the Liberal Party had great difficulty accepting, in that it's kind of smoke and mirrors and a nice show but does not in any way affect the appointment legally.

Mr Preston: Just to answer that question, and I touched on it briefly, I think what's happened in the last two weeks shows that your concerns and our concerns have been dealt with.

Mr Michael Brown: In what way?

Mr Preston: I'll leave that up to the caucus chair.

The Vice-Chair: We have an item on the agenda of today's committee meeting which indicates that one of the people who came before us last week has not been approved.

Mr Bob Wood: I think they've withdrawn their name from consideration.

The Vice-Chair: We'll get to that when we're finished this.

Mr Crozier: I just wanted to make the point that that's true. Mr Brown hadn't been here in the last three weeks. But I think what Mr Brown is saying, though, separate from that, is absolutely true. What we do here really makes no difference, or technically may not make a difference, but I appreciate what went on in the past week.

Mr Bob Wood: I might say that is a matter of the rules of the House, and those who are concerned about it should take it to the appropriate committee for review. We can go to the American system where they're approved by the Legislature, if you choose to do that. That's something you can put on the table if you choose.

Mr Michael Brown: I'm suggesting that to the government members, that this is a long-standing problem our party has identified with this process. The process we're operating under, understandably, is just the process that exists in the standing orders of the Legislature which was a New Democratic initiative. You're under no obligation to continue this, and I would suggest that we do go to a system that requires actual confirmation.

The Vice-Chair: Concurrence on Mr Nash has passed. Could we have a motion of concurrence on—

Mr Bob Wood: I'd like to move, Mr Chair, that the committee concur in the appointment reviewed this day of Patricia DeGuire.

Mr Kormos: This particular applicant is, quite frankly, more troubling than Mr Nash. Ms DeGuire is highly adjectival in her references to herself. I suppose anybody is entitled to do that, and in fact it's an attractive option for many. But her adjectival propensity, this mania with the adjectival, especially the superlative, should, I submit, cause people some great concern.

Let's understand that this isn't an appointment as a part-time parole board member whose remuneration is some $135 a day and where you are called upon from time to time to participate in parole board hearings. This is one of a very small number of people who are earning from between $49,400 and change to approximately $58,000 a year. She's applying for a position that's merely one of but four or five as full-time parole board members, which includes the prospect of chairing parole board meetings.

Her primary background appears to be in the area of insurance law. She indicates that she left that area after some five years, of what we would be called upon to understand was 1983 to 1988, head of insurance claims department, Guardian Insurance Co, head office, where she did everything but write policies for customers. To her great credit, I suppose to anybody's great credit, although law school in itself, and trust me, I know, is not the be-all and end-all of educations—but since being called to the bar, she's worked solely on contract work. Called to the bar in 1993, working on contract with the Ministry of Attorney General, where she appears to have what she called a mentor. Others, when one looks at her history with the Ministry of the Attorney General, would perhaps more readily refer to it as a godfather. On with the Attorney General—another contract.

Now that her contract, as she indicates, is suspended or terminated or finished for legal aid duty counsel—which is not a very active role in the criminal justice system—seeks yet another one-year contract, on the understanding, as I concluded from the discussions, the questions and answers that took place, that this was to be a one-year position.

Once again it's interesting. While certainly the Chair hasn't decided to require people to answer questions, and I'm not sure whether people who appear before this committee are entitled to decline to answer questions or not, for the sake of argument at the moment, let's assume they are.

I'm troubled by the fact that this applicant, who exudes a great deal of self-confidence and who appears compelled inevitably to refer to herself in the superlative, declines to answer very fundamental questions, especially when one views that she, on her awards, speaks of having received an award for helping Latin American refugees and newcomers to settle in their new country; that she, in her achievements, speaks of having been the coordinator for the Canadian Bar Association task force on gender equality, the women of colour contingent. One would anticipate that she would have some views on equity in our society.

In view of that, when a question was asked about the impact of the repeal of employment equity, especially as it applies to the parole board because of what it does or may not do for persons who were targeted groups in the employment equity legislation that's to be repealed, her declining to answer that creates something of a quandary. One wonders why.

Either she didn't want to offend the government members, who one would assume would have views that would be an endorsement of the repeal of employment equity, or she agreed with them. In either case, although at this point I don't dispute her right to decline to respond to these, I remain concerned about the fact that she did decline to respond to this, including the second question, which was about the impact—and it's not a novel proposition, because you, Chair, as have other intelligent members of this committee, have read any number of reports permitting the conclusion that serious cutbacks in support for poor families receiving social assistance may well lead to, among other things, increased social anomie.

The levels of poverty may well contribute to enhanced levels of crime, from the most benign, and that is the proverbial loaf of bread, to other criminal activity, which any of us who have lived in the real world, who have read about what's happening around us, who have bothered to seek out what's happening around us, understands flows from communities where there is a great disparity between the most prosperous and the poorest, and where the poor are deprived of not just money, because that's the essence of being poor, but where the poor are deprived of education, where the poor are deprived of justice in the criminal justice system, where the poor are increasingly going to be deprived of representation.

1150

Leaders across the board in the community have raised the issue of racism as being systemic, not only in the community but in the criminal justice system. You know, Chair, that there are some hard data that indicate disproportionate numbers of non-whites being incarcerated, not just in the United States but right here in this community, the city of Metropolitan Toronto. That should cause concerns to all members of this committee.

Ms DeGuire's perception of rehabilitation in our prisons—and obviously at the provincial level these are restricted to reformatories and to local detention centres—in my view is a very distorted one. Once again, anyone who has more than a duty counsel's experience with the criminal justice system, anyone who's ever been in one or more of these institutions in any number of capacities—and I invite my colleagues, if they want to dispute this, to attend some of these institutions—understands that a serious problem right now in our federal and provincial prison systems is the problem of rehabilitation.

More and more sentencing judges have simply thrown their hands up in the air and recognized, acknowledged, conceded, that rehabilitation is not going to happen, but that the primary focus on sentencing then has to be protection of the public. Yet traditionally in our criminal justice system, that has never been the sole objective. One of the interesting things that characterizes our British common law system of criminal justice is the concept of tailored sentences.

Bob Runciman, the Solicitor General, is not only entitled to make this statement, but I concede that he may well be reflecting the view of the vast majority of members of the public, when he said—and I put this to Ms DeGuire—that the new batch of appointments to the parole board tend to have a strong justice background and will put public safety first, in contrast to prisoners' rights.

Ms DeGuire spoke of parole as a privilege as compared to a right. In a democratic society where there is a statutory framework for a particular avenue, for a particular relief, parole in that regard could be, I submit, perceived as relief or a remedy for a prisoner. One of the things that's constant in our law is that it is a judge's job to sentence and it is a parole—

Mr Bob Wood: On a point of order, Mr Chair: Mr Kormos has now had 10 minutes, so we hope he'll wrap up fairly soon.

The Vice-Chair: That's not a point of order. Go ahead.

Mr Kormos: Thank you, Chair. Where it is a judge's job to sentence, it is the correctional services' job to decide if, when, where and how that sentence will be served, again subject to statutory restrictions. The matter of the malapropism of mandatory remission was put to this applicant today, and I say malapropism because of course it was; it's statutory remission. That was a peculiar thing to put because the concept of statutory remission is for all intents and purposes precisely that; it isn't within the purview or within the jurisdiction or mandate of the Ontario parole board.

I am once again in a position where I don't have—if other members of the committee do, God bless them, and they will vote accordingly—I, quite frankly, simply don't have sufficient confidence in this applicant at this point.

It's interesting, because in contrast to the other applicant today, Mr Nash, who left the clear impression that his interest was the Ontario casino commission and none other—to give him credit, Mr Nash clearly had a passion for one particular area, at least in terms of wanting to be on that board to the exclusion of others. Ms DeGuire submits—talk about ominous omnibus applications. In an ominous way she makes an omnibus application: for the pension commission, the insurance commission, the Human Rights Commission, the Police Complaints Board and the parole board. She seems to be looking for yet another contract, and in my view these boards, agencies and commissions require more than somebody who's merely unemployed, regardless of how glowing the terminology is that they would refer to their references.

She is, in my view, at this point a disappointment. I predict to the government members, who I'm confident will be inclined to support her because that's the way business is going to be done here, that she will cause them grief. I predict Ms DeGuire will cause this government grief, if she's appointed, during the course of her one-year tenure there. Mark my words. Whether it's condoned by the gaming commission or not, I'm prepared to bet dollars to donuts that she will cause this government grief, because I don't think these government members, if the truth be known, are at all certain about where she stands on issues, what her perspective is of things.

When they look at her CV and see somebody who since her call to the bar has but pursued contract work—of course Ms DeGuire referred to a robbery trial she had commenced, a jury trial, of all things, because she was so highly recommended by co-counsel or some other counsel who traded the case off to her. This does not reflect—take a look at what the criteria are for appointment to the board. Among other things there's a clear reference to a "thorough knowledge of the criminal justice system along with some direct experience in the system...ability to take charge of the hearings as a hearing chair...ability to train part-time board members and supervise them including performance planning and review...an ability to communicate orally and in writing clearly."

Now I can tell you this. She purports to have trained staff at Guardian Insurance Co of Canada head office for the implementation of Bill 164. I've had a whole lot of contact with the Guardian Insurance Co of Canada head office since her training of them in the months of May to September 1989, and I tell you, if she puts that down as a reference, notwithstanding that Bill 164 is as much a dog's breakfast as its predecessor Bill 68 and as the insurance reforms, so-called, will be of this new government, if that's put down as a qualification I'm afraid it's not a very impressive one.

Her inability to recall the continuum of public activity, because she acknowledged becoming disinterested—she didn't use the word "disinterested" but I submit she permits the clear inference that she became disinterested in helping Latin American refugees in 1984, moved on to something different, but couldn't quite recall what it was.

1200

Among other things, for two years she was a scout leader, she writes, of the 17th Humber West of the Greater Toronto Region. For two years. That betrays something. It indicates that we have somebody here who doesn't have a great deal of commitment to any one issue or concern, someone who's not prepared to carry the ball, if you will, from A through to completion.

Mr Michael Brown: On a point of order, Mr Chair: It being now past 12 of the clock, with the standing orders permitting us to sit between 10 and 12, I would suggest that it's your obligation to adjourn the committee.

Mr Bob Wood: Speaking to the point of order, I certainly understand what Mr Brown is saying. I would be prepared to grant some indulgence if we can wrap this up within a reasonable time. I certainly understand the point he is making.

The Vice-Chair: Are you about to wrap up, Mr Kormos?

Mr Kormos: Well, are you going to accede to the point of order?

The Vice-Chair: We have the potential here for an agreement to work cooperatively to get this thing done today.

Mr Bob Wood: Why don't you withdraw it and we'll see if we can wrap this up within a reasonable time. You can bring it forward again, as I understand it.

The Vice-Chair: Are you going to wrap up now, Mr Kormos?

Mr Kormos: I sure am.

The Vice-Chair: Then we'll proceed.

Mr Kormos: Had my colleagues but shown some of the virtue of mere patience, we could have avoided the time consumed by a somewhat interesting point of order,

in my view. But I'm not a Chair, so far be it for me to evaluate that.

I'm voting against this person. There is something very troubling about her that causes me great concern. At this point to have her in an AM-18 position, $49,000 to $58,000 a year, give or take a few bucks, when it appears that this will be the most money she's ever made in her life, I think the government members should be a little less hasty. Surely there are other applicants and I think the government members would want to see who those other applicants are too.

Mr Preston: I find it very interesting. The first one's condemned for belonging to good clubs; the second one's condemned for being a scout master for two years.

I understand that the member opposite is concerned. The lady had enough guts to stand up to him. That's quite interesting, and in my opinion—I'm going to make it very short because I don't like to try the patience of people—I'm all for her.

Mr Kormos: A recorded vote.

The Vice-Chair: All those in favour of this appointment?

Ayes

Brown, Crozier, Ford, Fox, Gravelle, Johnson, Martiniuk, Preston, Ross, Wood.

The Vice-Chair: All those opposed?

Nays

Kormos.

The Vice-Chair: The motion is carried.

The next item on the agenda is the withdrawal of the application by Gary McNaughton, whom we interviewed last week. We had deferred the vote, so I assume there's no need.

We'll move on to agency selection.

COMMITTEE BUSINESS

Mr Crozier: The committee will recall, certainly the subcommittee, that we had chosen the Ontario Highway Transport Board as our choice. After listening to counsel on that from various people, it wouldn't be of any value because the board is being wound down. If we could, we'd like then to propose the Ontario Northland Transportation Commission.

The Vice-Chair: We have some housekeeping items.

Clerk Pro Tem: Of the committee's selections for next week, originally I had indicated that because we had four selections to be reviewed in addition to Evelyn Dodds, the committee would meet at 9:20. We will not have the full four people available, so at the direction of the subcommittee, I've scheduled Ms Dodds for 10 o'clock.

With regard to Dr Ng, who was a government selection, she's out of the country until the 11th, so we're unable to contact her. Is it the wish that the appointment go through without review, or is it your wish that it be held, a request being sent to the secretariat to hold it until we have an opportunity for the review?

Mr Bob Wood: We're prepared to waive review.

Clerk Pro Tem: The next one is Mr Strong's. He was a selection of the official opposition. At this point, we've left messages on Mr Strong's voice mail. We have not had a return phone call at this time. If I don't hear from him by the end of this day, then I will not be able to comply with the seven days' notice to schedule him for next week. Since it's the official opposition's selection, what would you like me to do with this? Do you want to waive—

Mr Crozier: Wait till the end of the day, I guess. I spoke with the mayor of the town this morning, as a matter of fact. Did you leave the message that if he didn't phone back by today, it may have some consequence?

Clerk Pro Tem: I don't know exactly what the wording was.

Mr Crozier: I really don't know what to say. I guess you just continue trying to get hold of him, and if you can't—

Clerk Pro Tem: You'd like the request to go to the secretariat that it hold the appointment until you have an opportunity to review, if I don't hear from him by the end of the day?

Mr Crozier: I don't think we want to do that. Let's just say it was one of those things. No, I wouldn't want to hold it up.

Clerk Pro Tem: So if we don't hear from him by the end of the day you want to waive, or do you want to waive it now?

Mr Crozier: I think we'll just waive, yes.

Clerk Pro Tem: The next one is a situation with Mr Keller, who was out of the country until this morning. We've left messages at his office. It's the same situation. It was a selection of the third party. What is your choice? Do you want to waive the selection or do you want it held until a request to the secretariat to hold it until the committee's had an opportunity to interview him?

Mr Kormos: We will not waive. I say no more.

Clerk Pro Tem: Okay. I'll put a request forward to the secretariat that Mr Keller's appointment be held until there's an opportunity for the committee to review it.

One more, the fourth one, and it's a government selection, and that was David Lemmon.

Mr Bob Wood: We'll waive, to make a long story short.

Clerk Pro Tem: Thank you. We've taken care of Mr McNaughton, who's withdrawn; Mr Lemmon, Mr Keller, Mr Strong. I think that's it for housekeeping.

The Vice-Chair: That's it for the whole committee. The clerk would like a brief meeting with the subcommittee, five minutes.

The committee adjourned at 1209.

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Vice-Chair / Vice-Président: Martin, Tony (Sault Ste Marie ND)
Bartolucci, Rick (Sudbury L)
*Crozier (Essex South / -Sud L)
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**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Brown, Michael A. (Algoma-Manitoulin L) for Mr Bartolucci
Martiniuk, Gerry (Cambridge PC) for Mr Leadston

Also taking part / Autres participants et participantes:
Cooke, David S. (Windsor-Riverside ND)

Clerk pro tem / Greffière par intérim: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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A-5

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Wednesday 13 December 1995

Journal des débats (Hansard)

Mercredi 13 décembre 1995

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

Intended appointments

Nominations prévues



Chair: Floyd Laughren
Clerk: Tannis Manikel

Président : Floyd Laughren
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 13 December 1995

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 13 décembre 1995

The committee met at 1003 in room 228.

INTENDED APPOINTMENTS

EVELYN DODDS

Review of intended appointment, selected by third party: Evelyn Dodds, intended appointee as vice-chair, Social Assistance Review Board.

The Vice-Chair (Mr Tony Martin): I'll call this committee to order. The first person we will interview today is Evelyn Dodds, appointee as vice-chair, Social Assistance Review Board. Would you come forward, Ms Dodds.

Mr Bob Wood (London South): I might indicate, Mr Chair, that Mrs Dodds wishes to make an opening statement.

The Vice-Chair: That's fine. That will come out of your 13 and a half minutes. Please feel at home. Help yourself to the water, if you so choose, and start any time you'd like.

Mrs Evelyn Dodds: I want to thank the members of the committee for the opportunity to appear before you today. I'm honoured to have been considered for appointment as a vice-chair of the Social Assistance Review Board. I believe I am well-qualified for this position and I have a wide variety of experiences that I believe will serve me well in this position.

I have been a teacher, I ran a small nursery school for a year, I was a service representative for Bell Telephone, I was the receivables manager for a furniture factory and a lab technician in a university. I was the controller of a developing mine, the business manager of a consulting engineering firm for 10 years, as well as the manager of an orthopaedic clinic for two years that did extensive work in rehab therapy for injured workers, which is one kind of experience that will serve me well in this position.

In 1985 I was elected to the school board in Thunder Bay and served for two terms. In that position I was chairman of the board. I instituted the first audit committee and chaired it. I wrote the response to the first provincial audit of a school board that took place. I wrote a response to the Radwanski report on standards. I wrote a brief on school board costs and governance. I worked on grievance committees, negotiating committees and policy committees. I chaired the committee to rewrite the procedural bylaw and I participated in the performance reviews of senior staff.

As an elected alderman of the city of Thunder Bay for three years, I chaired the finance committee, the privatization committee, the Victoriaville review committee, the city signage committee, the tourism billboard committee and the Norwester tourism zone development committee.

Mr Peter Kormos (Welland-Thorold): We've read the CV, please.

The Vice-Chair: Excuse me, Mr Kormos. This is on the Progressive Conservative's time and we've allowed an opening statement and that's what's happening. Go ahead.

Mrs Dodds: I list the committees that I've chaired because I believe that the ability to chair meetings is an important qualification for the position for which I'm being considered.

I briefly sat on the AMO housing committee and established the first municipal lottery in Thunder Bay. I sat on the board of directors of the community housing corporation, in which position I proposed a moratorium on the construction of new subsidized houses and proposed changes to the eligibility requirements that would give preference to disabled people. I chaired the World Trade Centre committee and the mid-Canada task force on port survival.

Specifically on welfare, which was perhaps the biggest issue I tackled as an alderman, I led the effort to systematically investigate welfare fraud and examined Manitoba's system of computerized cross-checking. I analysed over a three-month period, in detail, with the social assistance staff for the city the welfare office procedures and wrote and presented a brief on the freedom of information act as it pertains to welfare eligibility review procedures. I proposed a system of volunteer work for able-bodied recipients and proposed that group homes, with rules and responsibilities, be established for abused teenagers.

My knowledge of the welfare system comes from having worked closely with the social services staff of the city of Thunder Bay and from hundreds of hours of discussions with people over the years in all levels of the system.

The Social Assistance Review Board is a quasi-judicial body. Its conduct is governed by the Statutory Powers Procedure Act and it is responsible for administering the GWA, the FBA and the VRS. It is not part of Comsoc, nor is it part of any office that delivers welfare assistance. It does not have the ability to judge the performance of welfare offices, nor to comment on legislation or to change legislation. It is a judicial position which requires that all decisions be made fairly, consistently and firmly.

I believe that my experience will serve me well in this position. Thank you for your time.

The Vice-Chair: Thank you very much. We'll start the questioning this morning with the third party.

Mr David S. Cooke (Windsor-Riverside): Mr Chair, could you tell us how much time we have?

The Vice-Chair: You have 13 and a half minutes.

Mr Cooke: Welcome to the committee, Mrs Dodds. I noticed in your opening comments that you went through a lot of your professional and adult experience. Could you just add for the purposes of the record and the committee a major part of your previous life that you haven't talked about here this morning, your involvement with the Progressive Conservative Party and the numbers of times that you ran for the Progressive Conservative Party?

Mrs Dodds: I have been a candidate on two occasions.

Mr Cooke: And you've been a member of the PC Party for how long?

Mrs Dodds: I'm sorry, I can't remember the year I joined.

Mr Cooke: It's been that long.

While you've talked about your understanding of the Social Assistance Review Board and the fact that it has to be arm's length and it's a semijudicial body, there's been a lot of concern expressed that your appointment is the first one in 10 years that breaks the new appointments process that was put in place by the Liberal Party when it was in government to actually make the Social Assistance Review Board an arm's length agency and keep it at arm's length from political appointments.

I have a couple of very specific questions. I want to know who approached you. Some of these I have the answer to, but I think it's important for you to confirm. Who approached you to be on the Social Assistance Review Board?

Mrs Dodds: I submitted my résumé to the Premier's office and indicated that the Social Assistance Review Board was one area where I felt my experience and my abilities could be put to good use. I then received a call from I believe it's called the appointments secretariat offering me the position of vice-chair, if I wanted to take it.

Mr Cooke: So you submitted a résumé and then you received a phone call saying you're in.

Mrs Dodds: That is correct.

Mr Cooke: You weren't interviewed by the chair of the Social Assistance Review Board?

Mrs Dodds: No, I was not.

Mr Cooke: When did you first meet the chair of the Social Assistance Review Board?

Mrs Dodds: I believe it was October 10.

Mr Cooke: And your appointment was earlier than that, I take it? If memory serves me correctly, it was some time in September?

Mrs Dodds: No. The cabinet—

Mr Cooke: Well, when you found out that you were getting—

Mrs Dodds: It was October 4 that I believe the cabinet—

Mr Cooke: So you never went through an interview or anything like that. You simply submitted your résumé and you got a phone call saying you're in, you're getting this job that pays a significant amount of money. Do you believe that there was any consideration given to the fact that you were a member of the PC Party?

Mrs Dodds: I have no idea, but I believe my qualifications speak for themselves.

Mr Cooke: They obviously did, because you didn't even have to go for an interview. I doubt whether there are many people in the province of Ontario who would get a job that pays as much as this and who don't even have to go for an interview. That completely destroys, you should know, the appointments process for the Social Assistance Review Board that has been used for the last 10 years to try to change it from being the senate for the PC Party, as it was previous to 1985, and now puts it back in exactly the same situation it was before.

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I want to ask you about just a couple of quotes, because we only have a very few minutes, that you are reported to have said. There's one area that you've expressed a great deal of concern on, and that is that when a person is denied benefits or if they've been on benefits and their benefits are then terminated and they're going to appeal to the Social Assistance Review Board, you've expressed very serious concerns about the process that would allow a recipient to remain on social assistance while their appeal is pending. I'd like to get from you, in a very short period of time, an explanation of why you think that is unfair.

Mrs Dodds: You're referring to the interim assistance which is paid to people whose appeals are pending. As a vice-chair of the Social Assistance Review Board that will not be an area I have any influence over or any comment to make about whatsoever.

Mr Cooke: You've had an opinion on it in the past, and I'd like to know the rationale for the opinion in the past.

Mrs Dodds: I'm sorry, the interim assistance is handled as an administrative function on SARB and it comes under the power of the chairman and her staff. Individual vice-chairs do not comment on it nor have any part in the decision-making process.

Mr Cooke: I understand the process. I'm asking you why you had the views that you had, which I assume you still have.

Mrs Dodds: But you misunderstand the role. As an adjudicative position—

Mr Cooke: Oh, I don't misunderstand the role.

Mrs Dodds: —I may not comment on any matters of legislation.

Mr Cooke: So as soon as you are appointed, you no longer have any views.

Mrs Dodds: I may not comment on them. My brain doesn't become empty, but I may not comment or employ those thoughts in the decision-making.

Mr Cooke: But you can understand why there are some people in this province who have grave concerns about somebody who has made quotes like, "The plain fact is some of us don't want to pay $2,500 for a social service funeral." You can understand why people are concerned about that, that that says something about the mindset. This committee is looking at your appointment, albeit after the fact, and we have a right to know what kind of mindset you bring to the Social Assistance Review Board. I'd like to ask what went into your thinking on that comment on funerals.

Mrs Dodds: There were nine aldermen, including me, who responded to an administrative recommendation that we reduce the city's budget by altering the amount that the municipality was paying for funerals. I'm one of nine who spoke to that issue and supported the administrative recommendation.

Mr Cooke: You made that quote. We need about an hour with you. You made that quote and you can't blame it on a process of an administrative process and recommendations. You obviously have a very strong feeling that if people on social assistance die, the state shouldn't be involved in assisting with their funerals.

Mrs Dodds: No, you're misinterpreting that quote. What I said was the amount was too high. The majority of aldermen on city council agreed with me and the amount of subsidy was accordingly reduced.

Mr Cooke: I have several other questions, but in 13 minutes—

Mrs Dodds: I would also like to say, Mr Cooke, that that is also not a matter that comes before SARB. It is totally unrelated.

Mr Cooke: That's a great line of defence, but the reality is that your views that you bring to this issue of social assistance are incredibly important, and I think are a very clear indication of where the current government is coming from, but more importantly, of what impact you will have on the Social Assistance Review Board.

It's unfortunate that you come here basically taking the fifth, saying, "I can't say anything about anything that I've said in the past because I'm now a member of a semijudicial body and therefore I'm protected." I think that makes this process this morning a complete sham.

We know what your views are, we know what you've said in the past and I must say, out of all of the things that the Progressive Conservative government has done so far in Ontario, your appointment, and the destruction of the appointment process to the Social Assistance Review Board, is one that concerns me the most.

Mr Chair, I'd like to reserve the balance of the time for my colleague.

Mr Kormos: I have no questions at this time. We'll reserve the right to use our time afterwards.

The Vice-Chair: We'll move then to the government caucus.

Mr Bob Wood: I might say that I'm very pleased to see a person who has the kind of business, political and community experience that Mrs Dodds has appointed to a position of this nature. I, for one, am very pleased that you have chosen to serve the public in the way in which you have.

I'd like you to describe briefly for the committee, Mrs Dodds, how a hearing process works. I would like you to hit the highlights, not give us too much detail, please.

Mrs Dodds: The vice-chairs are assigned cases by the staff at SARB and we are presented with a file that we have nothing to do with assembling. We have no investigative powers whatsoever. We go to the hearing and we review the evidence and only the evidence that is presented during that hearing, after which we then apply the regulations exactly as they are written.

We are able to review only decisions made by directors of the FBA or administrators of the GWA and only those decisions that cancelled, reduced or suspended benefits, and then we have only one of three possible decisions to make at the end of it. We can either affirm the decision of the director, rescind it or refer the matter back to the department.

After our rulings are written, they go to the quality control department of SARB where they are reviewed and possibly amended, after which they go to the legal department and our rulings can be challenged there by the legal staff, after which our rulings are then put in front of the chairman who can also challenge our rulings. They are not able, however, to insist that we change our decision, but they can and do try to influence our decision.

If the chairman of SARB decides that a particular ruling is not consistent with established board precedents, the chairman can order that the entire hearing be held again in front of another adjudicator and the ruling of the one adjudicator is overturned.

Assuming that a decision by any individual adjudicator is successful in going through that whole process and the one ruling is sustained and is the one that is sent to the department and to the appellant, the written decision is then subject to judicial review, an appeal in front of the Divisional Court and, increasingly, charter challenges.

Mr Bob Wood: Those are my questions for the moment.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): In agreeing to serve on the Social Assistance Review Board, you agreed to serve the public interest. Is there anything further that you'd like to add to what your role is in serving the public interest?

Mrs Dodds: The adjudicative tribunal system is an extremely important one in that the legislation, particularly in the welfare area, has become very, very complicated. It's not an easy area to administer and, therefore, errors can be made which are unjust. It was probably with that in mind that the Canada assistance plan had as a requirement of federal transfers that review mechanisms be established. In Ontario it's the Social Assistance Review Board that was set up as a quasi-judicial body to fulfil that function.

It is important, because in any complicated system, injustices can occur and there needs to be a way for

people to appeal what has happened to them. But the job is strictly limited to applying the legislation as it is written to only the evidence presented at the hearing in the one case. SARB, unlike other adjudicative tribunals, has no policy role at all.

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Mr Gary L. Leadston (Kitchener-Wilmot): As a former member of regional council in the regional municipality of Waterloo, I was one of a group that was instrumental in developing a fraud hotline, and it had amazing results. I noticed in your résumé that you too had initiated a program in terms of welfare fraud. Have you any sense of welfare fraud, how it exists and how predominant it may be in the province today?

Mrs Dodds: I don't know that there is an accurate number. Yes, you're quite right, I devoted a lot of my time to developing proper investigation procedures, but welfare fraud is not a matter that ever comes before SARB. It's a matter only for the criminal courts. The position that I'm applying for is strictly an adjudicative position and administrative law. It's a level below. The fraud cases would never come before us, so I don't have any recent statistics, and neither would they be relevant to this position. I'm sorry.

Mr Douglas B. Ford (Etobicoke-Humber): Mrs Dodds, I looked at the backgrounder you have here. You seem to have crossed over on these various areas of business management. You've worked with the educational system, you've worked with the health system and you've been internally involved in controlling companies, receivables, payables, almost everything. Do you understand the legislation pertaining to social assistance of this board?

Mrs Dodds: Yes. I've had extensive dealings with it as a councillor and in the very intensive training session that just took place over the past five weeks at the Social Assistance Review Board.

Mr Ford: I don't care what your political background is or anything else here, but according to this résumé you've put in, it's very extensive, and I'm very impressed with it, because I've been involved in a lot of these areas that you're talking about here. I know for this type of appointment you're involved in, you have to have this type of background. You just can't be in education, you just can't be in health. But you've crossed the threshold in all these areas of finance, accounts receivable, accounts payable, all these things. I'm impressed with that. I have no more questions. Thank you.

Mrs Dodds: If I might add a comment to that, I think the common thread through all of these experiences that I've had over the past 25 years has been—the question was asked before by Mr Cooke about mindset, and I think you can see that the common element in all of that experience is that I'm very analytical.

Mr Ford: Yes, I can see that, but I don't believe that a number of the members on this board even have that background. That's all I'm saying.

The Vice-Chair: Any other questions from the government side?

Mr Gerry Martiniuk (Cambridge): I'd like to reserve my questions for later on, Mr Chairman.

The Vice-Chair: Then we'll move to the Liberal caucus.

Mr Michael Gravelle (Port Arthur): Mrs Dodds, unlike many in this room, you and I are both from Thunder Bay, I as the member for Port Arthur. Certainly I was around the city during the time you were on council and were developing a reputation as someone who certainly was known as being—tough on welfare is probably a polite way of putting it.

You did make some comments that were extremely controversial, and in some way divided the community in terms of whether they agreed with you or not. Do you believe your appointment to this board came about as a result of the tough positions you took on welfare or social assistance in general?

Mrs Dodds: You have expressed support to me on numerous occasions for many of the efforts that I undertook in Thunder Bay, in what is still your home town and was my home town, and I appreciated those contacts over the years. I believe, and I can only surmise, that it was the understanding that I had developed a lot of knowledge about the system through my work as a councillor that prompted my appointment.

Mr Gravelle: Just to be clear here, we've never talked about your position in terms of—

Mrs Dodds: No, not about this position, but the work I did in Thunder Bay as a councillor.

Mr Gravelle: But in terms of the social assistance, because certainly the concerns were expressed by a lot of people that you were somewhat over the top on occasion in terms of some of the remarks you made—I don't need to necessarily quote them—but do you regret or would you be willing to withdraw some of the remarks, the "subsidized bordello" expression, for example? That alone—do you regret making that comment?

Mrs Dodds: I did what I had to do at the time to raise public awareness of what I considered to be very urgent social issues, and we all do what we have to do and what we believe to be right. As an adjudicator on SARB, however, I am not empowered to make any comments on legislation but simply to apply the legislation that already exists.

Mr Gravelle: I don't think it's inappropriate, though, to ask for and expect your response in terms of your philosophical position. I appreciate that you are now sort of kept in check to some degree because of the obligations of this particular position—

Mr Cooke: Above the fray.

Mr Gravelle: —but I don't think it's inappropriate to ask you what your philosophical position is in terms of these, as a result of some public quotes when you were in a public position. I don't think it's inappropriate to ask—

Mrs Dodds: No, of course it isn't.

Mr Gravelle: —and to see whether or not you would want to withdraw them, regret them or felt they were taken out of context.

Mrs Dodds: Some were and some weren't. You've had a lot of experience making statements in front of the media, and sometimes they pick them up accurately and sometimes they don't. I suppose I could write a book about which was which. The issue that that particular comment you referred to surrounded was the issue of welfare fraud. That's what it was all about, welfare fraud. I believed then that it was a very serious matter; I believe it now. I'm not in a position to do anything about it now, but I hope someone else is.

I don't really think the efforts that I made to raise public awareness were nearly as colourful as the newspaper reports would have you believe. There are many, many things I see other people doing that I never did to develop public awareness. We each do what we have to do at the time and in a way that we consider to be appropriate, and obviously the role for which I'm applying now is a vastly different position.

Mr Gravelle: Another comment or quote that you made was that, "The right of the public to protect its money must outweigh the right of an individual to privacy." Can you comment on that?

Mrs Dodds: There is one that I can clearly label as a slight distortion of what I actually said. That came from the presentation of a 16-page brief on the freedom of information act, and the entire brief concerned itself with the ability of the welfare workers, acting on behalf of the public, to properly verify eligibility.

The theme of the brief, which I prepared with the social assistance staff of the city of Thunder Bay, was that the welfare workers were impeded in their ability to access information because of the FOI. The quote that was taken was a distortion because I have great respect for privacy rights of individuals and with only great hesitation would ever think that they should be infringed, and only when there is a much greater good to be served. So that is one quote that was a distortion.

However, as an adjudicator on SARB, all hearings are confidential; no information can be released about any matter that goes on within the in camera hearing; the decisions, if they are ever published by the chairman of SARB, are anonymized; and I may not comment on any matter that comes before me as an adjudicator.

I may also not have any contact with the departments on the substance of a case outside of the evidence that is presented at a hearing. This is sometimes difficult because in about 40% of the cases there is no one to appear on behalf of the department—we have only the appellant in front of us—yet we are not able to phone the department for clarification or to seek any contact outside of the hearing itself.

1030

Mr Gravelle: Just one last question, and I'll pass it off to my colleagues. Do you, or did you, personally support the 21.6% cut to social assistance recipients announced this past summer?

Mrs Dodds: I believe the answer to your question, Mr Gravelle, is self-evident. That was part of the platform on which my party ran, and everyone knows that I was a candidate in that election. By definition and also by frequent publicity, I have been on the record on numerous occasions in supporting that stand. However, I must again reiterate that the position I'm applying for does not have any role in policy development. We may not even comment on the substance of legislation as it exists. We only apply the legislation as it is written for the specific time periods that it applies.

Mr Bruce Crozier (Essex South): Good morning, Mrs Dodds. The appointment that you've been given, how much are you paid?

Mrs Dodds: The range is, I believe—and I'm not an administrative person on SARB so I would hate to be wrong by a few dollars, but I believe the range is from $55,000 to $68,000.

Mr Crozier: Have you received a paycheque?

Mrs Dodds: Yes, I've had one.

Mr Crozier: So how much are you paid?

Mrs Dodds: I frankly did not take the gross and multiply it out by 26. I assume I'm being paid within the legally approved range. But I'll go home and do that.

Mr Crozier: Well, earnings, pay rates and so forth seem to be in the news these days so I thought you'd probably know that.

You no longer live in Thunder Bay, you now live in Toronto?

Mrs Dodds: That's correct.

Mr Crozier: When did you take up residence in Toronto?

Mrs Dodds: My husband and I moved here on September 1.

Mr Crozier: Was it a result of having been appointed to this board, if I may ask?

Mrs Dodds: No, definitely, it was not.

Mr Crozier: Okay. I want to return to some comments that are attributed to you that were in an article written by Jim Coyle in the Ottawa Citizen on October 13, to which credit was given to Mr Cooke for having raised these. But one of them is, "Single mothers living in subsidized housing who allow their boyfriends or ex-husbands to move in; this is tantamount to a subsidized bordello."

Notwithstanding the fact that it may be or may not be subsidized, because I'm sure there are a number of single mothers who live with boyfriends or ex-husbands, do you consider those who do all to be living in a bordello?

Mrs Dodds: The issue was welfare fraud, people who obtain benefits on the basis of being sole-support parents but who in reality have people living with them who under normal circumstances should be expected to contribute to the support of that person. The issue is fraud, of lying about one's living circumstances.

The issue received a great deal of discussion in Thunder Bay, and as a result some very sensible measures were put in place so that everyone understood what the law was when we were done and we have an orderly way of applying it. That was the issue: welfare fraud. Again, I must point out to you—

Mr Crozier: But, if I might—

Mrs Dodds: —however interested you are in that subject—

Mr Crozier: No, if I might—I'm sorry. I asked the question. I said, notwithstanding the fact that you considered it subsidized, there are, I assume, a number of people in this province who are working people, who are not on the welfare system, who live with boyfriends and/or ex-husbands. My question is, do you also consider them living in a bordello?

Mrs Dodds: I don't understand your question. The issue in that case was welfare fraud—

Mr Crozier: Your quote, and I'll say it again. Your quote again was, "Single mothers living in subsidized housing who allow their boyfriends or ex-husbands to move in; this is tantamount to a subsidized bordello." If we take out the words "subsidized housing" and the word "subsidized" after "tantamount," do you consider people who are not married, single parents, living in a bordello, whether it's subsidized or not?

Mrs Dodds: If you remove the word "subsidized" from that quote you entirely alter its meaning, and I am unable to respond. The issue was welfare fraud, people who receive subsidies under false pretences. You cannot remove that word and ask me to comment on something that you—

Mr Crozier: So if you're on welfare and live with your ex-husband or boyfriend, you live in a bordello. If you are not subsidized by the government, you don't live in a bordello. Is that fair?

Mrs Dodds: The issue was subsidies fraudulently obtained.

Mr Crozier: I think you're avoiding the question and I really think that you understand it. As we see, you're experienced, you're intelligent, and I think my question is very clear. It's just a question of a living situation, subsidized or unsubsidized. Subsidized it's a bordello. Unsubsidized, is it a bordello?

Mrs Dodds: Mr Crozier, the Social Assistance Review Board is not criminal court.

Mr Crozier: Does the subsidization make it a bordello?

Mrs Dodds: It does not deal with matters of welfare fraud.

Mr Cooke: Evelyn, you know what the question is. Answer it.

Mr Crozier: I think you're avoiding my question. I think what you've said is that anyone who lives with their ex-husband or a boyfriend lives in a bordello; it's just that some are subsidized and some aren't. I regret that someone would make that kind of a insinuation, because those are very strong words when you use "bordello."

In any event, I want to return as well—do you have a question?

Mr Rick Bartolucci (Sudbury): Yes.

Mr Crozier: I'll pass on to Mr Bartolucci.

The Vice-Chair: You have a minute.

Mr Bartolucci: One minute? All right, two quick questions, Mrs Dodds: One, do you consider your successful appointment to SARB as a political patronage appointment?

Mrs Dodds: I take it as an honour that my abilities are being recognized and that I'm being permitted to serve the people of this province.

Mr Cooke: Without an interview.

Mr Bartolucci: Excuse me, would you answer the question? Do you consider it to be a political patronage appointment?

Mrs Dodds: All people who are appointed to the Social Assistance Review Board, and indeed all tribunals, are appointed by the government of the day.

Mr Bartolucci: Therefore, you consider it to be a patronage appointment.

Mrs Dodds: I believe I have answered your question.

Mr Bartolucci: With a yes.

Mrs Dodds: I did not say that.

Mr Bartolucci: With a no.

Mr Bob Wood: She's already answered the question.

Mr Bartolucci: Excuse me, she hasn't answered the question.

Mr Bob Wood: She's answered the question the way she chose to.

Mrs Dodds: I was appointed because of my abilities and because of my knowledge.

Mr Bartolucci: Have you ever appointed—

The Vice-Chair: Mr Bartolucci, your time is up. Sorry. The third party has six minutes left.

Mr Kormos: Ms Dodds, you've expressed a number of somewhat outspoken views. Do you believe that they reflect the views of the mainstream, of the majority of your community?

Mrs Dodds: I have no idea.

Mr Kormos: You've been a city councillor in Thunder Bay, active in the community. Do you believe that the views that you've expressed reflect the views of the mainstream of that community?

Mrs Dodds: I'm not certain how one measures that. I enjoyed an enormous degree of success, achieving more votes as an alderman than anyone ever had before me, but in other elections I wasn't.

Mr Kormos: That success wasn't shared in either the provincial campaign of 1987 or 1995, though, was it?

Mrs Dodds: No, it wasn't, you're quite right.

Mr Kormos: Now, you understand of course that appellants are entitled to a fair and impartial hearing.

Mrs Dodds: Absolutely. That is the purpose of the Social Assistance Review Board.

Mr Kormos: And you're familiar with the maxim that justice must not only be done but must also be seen to be done.

Mrs Dodds: And the principles of natural justice have to be employed in all proceedings.

Mr Kormos: In view of your strong stand on the English-only resolution passed by Thunder Bay city council, where you participated among council with the eight other councillors in supporting English as the

official language and rejecting the French language, how would a francophone, then, feel comfortable appearing in front of you? How could a francophone expect to have a fair and impartial hearing in view of the outspoken views you've expressed about bilingualism?

Mrs Dodds: I am a francophone—

Mr Kormos: I don't think you were bilingual as a child.

Mrs Dodds: —and I do not believe bilingualism is an issue that will ever come before SARB.

Mr Kormos: How would a francophone expect to receive a fair and impartial hearing in view of your strong views against bilingualism?

Mrs Dodds: I do not believe that bilingualism is an issue that ever comes before SARB. Anyone who comes before the tribunal and speaks a language other than English is provided with an interpreter paid for by SARB.

Mr Kormos: You've indicated that you believe that child benefits programs will encourage social assistance recipients to have more children: Thunder Bay Chronicle-Journal, July 9, 1993.

Mrs Dodds: I don't recognize that as a direct quote.

Mr Kormos: Is it another misquote?

Mrs Dodds: I don't recognize it as a direct quote. It could be a reporter's characterization of what they believed I thought.

Mr Kormos: Here's your chance to confirm it or refute it.

Mrs Dodds: I'm asking you if it is a direct quote or not.

Mr Kormos: Here's your chance to refute or confirm whether or not you believe that child benefits programs encourage social assistance recipients to have more children. Do you believe that?

Mrs Dodds: I don't understand the reference at all.

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Mr Kormos: I'm asking you whether you believe that.

Mr Bob Wood: Mr Chair, she can't answer the question till she's told whether or not this is a direct quote. Don't answer the question.

Mr Kormos: Don't you tell her not to answer it. Do you believe that child benefits programs encourage welfare recipients to have more children? You could either say yes or no.

Mr Bob Wood: Don't answer the question.

Mr Cooke: Mr Chair—

Interjections.

Mr Kormos: You have no intention of answering that because you're referred to as believing that. You believe that welfare benefits encourage women to have more children. How can a single mother expect to receive a fair hearing appearing in front of you when you've expressed that outrageous type of comment?

Mr Ford: That's in your opinion.

Mrs Dodds: Unlike you, Mr Kormos, I have had the opportunity of being a single mother, which I gather you have not.

Mr Kormos: How can a single mother, when you have indicated that social welfare benefits, child benefits programs, encourage women to have more children, expect to receive a fair and impartial hearing from you?

Mr Martiniuk: Mr Chairman, the witness has already stated that she does not recognize—

The Vice-Chair: Excuse me, you don't have the floor, Mr Martiniuk. Unless you've got a point of order or a point of privilege, you don't have the floor.

Mr Martiniuk: On a point of order, Mr Chair: I believe the witness has stated that is not a quotation, and my friend keeps saying—

The Vice-Chair: It's not a point—

Mr Kormos: Chair, would you please exercise some authority here?

The Vice-Chair: That's not a point of order.

Mr Kormos: Do you believe that child benefits programs encourage welfare recipients to have more children?

Mrs Dodds: My answer to that would have to depend on the circumstances of a specific instance, because I'm absolutely certain that is not something that can be generalized across the board. As an adjudicator, the case before you is the one you look at. You do not comment on general public policy. You do not interpret the case in the light of general public policy or your opinion on it.

Mr Kormos: You've indicated that single mothers living in subsidized housing who allow their boyfriends or ex-husbands to move in is tantamount to living in a subsidized bordello. Do you believe that a single mother in that instance who is appealing to you can expect to receive a fair and impartial hearing, in view of that statement?

Mrs Dodds: Absolutely. My job would be to review the evidence that gave rise to the director's decision to refuse, suspend or cancel benefits. The conditions which we are permitted to recognize as adjudicators are spelled out in the legislation. If the evidence supports the conclusion that the director was correct, then that is the ruling that we must render, and we must give our legal reasons for doing so. If the evidence presented at the hearing—nothing outside of the hearing; the evidence presented at the hearing—does not support the director's decision, then we rule in a contrary fashion.

Mr Kormos: You've indicated that in your struggle with teachers' collective bargaining units, you've been sneered at, you've been bumped into in the halls and that you've been harassed by telephone calls at home. Is that correct?

Mrs Dodds: Yes, and my children suffered a great deal as well.

Mr Kormos: And you indicated that your response to that and the objective you engaged in was merely to embarrass the hell out of them, isn't that correct?

Mrs Dodds: You spoke too quickly; I didn't understand.

Mr Kormos: You've indicated that your response to that was merely to embarrass the hell out of them, isn't that correct?

Mrs Dodds: I don't recognize that quote.

Mr Kormos: Well, "embarrass the hell out of them," a direct quote contained in a newspaper article in the Toronto Star, Sunday, March 8, 1992. Why shouldn't a welfare recipient who's appealing before you expect merely to be embarrassed or have the hell embarrassed out of them, as compared to receiving a fair and impartial hearing, in view of the outrageous things you've said?

Mrs Dodds: With all due respect, Mr Kormos, in 1992, I lived in Thunder Bay and did not get the Toronto Star, so I have not seen that.

Mr Kormos: Another misquote?

Mrs Dodds: I have no idea. I have no idea who they were talking to.

The Vice-Chair: Excuse me, Mr Kormos. Your time is up.

Mrs Dodds: I don't have it in front of me. Secondly, education was not an issue I was involved in in 1992.

The Vice-Chair: Mrs Dodds, your time is up. Mr Kormos, your time is up.

The Vice-Chair: We're now back to the government caucus. They have two minutes if they wish to ask another question.

Mr Martiniuk: I'm interested, because you've lived in a political life and now you are into an occupation which requires a quasi-judicial function, in your views on that and how one adapts.

Mrs Dodds: I'm 52 years old, and of those years, only 10 of them were spent in political life, so I had 42 years not as a politician. It isn't very difficult to return to private life. The majority of my years as a private sector person were engaged in business management, financial analysis, and management of staffs and payrolls.

Mr Martiniuk: So you've had no trouble adapting to your present occupation?

Mrs Dodds: I've quite enjoyed the experience. There's a lot to learn in any new job, but there are many people at SARB who are very courteous and willingly share information.

The Vice-Chair: Any more questions, government side? If not, we want to thank you very much for coming before us today, Ms Dodds. Your participation has been helpful.

Mrs Dodds: Thank you for the opportunity.

The Vice-Chair: I will now entertain a motion of concurrence.

Mr Bob Wood: I move that the committee concur in the appointment of Mrs Evelyn Dodds.

Mr Kormos: Once again, the fact that this is political patronage is moot, because clearly it is, there's no issue in that regard. And once again, as you've heard me say before and as others have said, political patronage, when it's accompanied by competence is in itself not a particularly repugnant thing. It may be an irritant, but it's not repugnant.

Here we have a situation of a woman with a history of the most extreme and outrageous views, the most uncharitable of views. Suggesting that women living in subsidized housing units who have boyfriends or husbands domiciled with them are living in a bordello situation goes beyond outrageous; it indeed is libelous, it's slanderous to a whole lot of women who are forced into subsidized housing because of very limited incomes and will be all the more prevalent because of the outrageous cuts this government is engaged in in the benefits paid to social benefits recipients.

To talk about tactics of approaching your opponents or those who disagree with you as merely embarrassing them, as Ms Dodds is reported in the March 1992 story in the Toronto Star in response to her criticism of teachers' collective bargaining units, once again puts appellants appearing before her at the Social Assistance Review Board in a position where they cannot expect in any way, shape or form a fair or impartial hearing.

Her outrageous and undemocratic and totalitarian opposition to French-language rights in the province of Ontario, especially after Bill 8 received all three parties' support in the Legislature when it was passed, as you well know, her outrageous and repugnant comments in that regard put at risk any francophone who appears in front of her in her capacity as a vice-chair of the Social Assistance Review Board. Not one of those appellants could expect a fair and impartial hearing.

Ms Dodds conceded—and I know you are well familiar with the maxim that justice must not only be done but must also be seen to be done—that the issue of bias by a tribunal or a hearing officer is not solely actual bias but it's a reasonable apprehension of bias. Ms Dodds has put herself, because of her history of clear, strong and, as I say, repugnant opinions about the poor, about single mothers, her suggestion that child benefits programs would encourage women to breed—clearly suggesting that women have children so they can collect more benefits, not being in any way, shape or form sensitive to the reality that it takes a great deal of money to adequately care for a child; that the previous benefits levels prior to this government were in themselves barely acceptable and after a reduction of 21.6% became egregiously lower than what is even modestly acceptable—has put herself in a position that any appellant appearing in front of her could not have any expectation or anticipation of a fair and impartial hearing.

This woman is clearly a bigot. She clearly doesn't like francophones, notwithstanding her claim to be bilingual. But I note that her résumé, her curriculum vitae, refers only to childhood bilingualism. She appears to have regretted her francophone experience and rejected it in adult life. She clearly doesn't like single mothers, suggesting that they prefer to have more children because of the child benefits programs. She clearly is bigoted and prejudiced with respect to single women living in subsidized housing and, all the more so, single women living in subsidized housing who may want to exercise what is a very lawful right, to engage in a relationship with a boyfriend or spouse.

A bigot when it comes to francophone matters, a bigot when it comes to single mothers, a bigot when it comes to the poor, somebody who carries with her baggage that is undeniable, that one cannot merely wish away—a hearings officer who is most unsuited for the Social

Assistance Review Board, which requires, in my view, an enhanced level of sensitivity to the reality of being poor in our society, to the reality of being unemployed, to the reality of being a victim of abandonment by a spouse, to the reality of being a victim of spousal abuse.

1050

This woman displays no sensitivity. She clearly has an agenda. Her tactics are, as she indicated in response to teachers' collective bargaining units, to embarrass her opponents rather than engage in effective or meaningful debate.

Clearly during the course of questioning, she didn't like questioning. She, as Mr Cooke said, preferred to take the 5th. This woman obviously spends a whole lot of time watching American television rather than paying attention to what's happening in her own community—a most unsuitable person for this particular position.

The mere fact that she's a Tory bothers me not at all. You have heard me in this committee endorse the appointment of competent Progressive Conservatives, all of them far more reputable in their community than Ms Dodds is.

Here's a woman who questions whether or not she speaks for the mainstream of the community, clearly couldn't get herself elected: 1987, I acknowledge, was tough for any Tory, but 1995 certainly wasn't. They elected more than a few dogs, but even in that dog race, Ms Dodds found herself on the losing end.

Mr Peter Preston (Brant-Haldimand): I hope you feel like a tire; you know what dogs do to tires.

Mr Kormos: In that regard, this woman, I submit, doesn't have the support of her community, doesn't have the support or represent the views of the mainstream of Ontario. The role she's been granted by fiat—by fiat, Chair, because I'm sure you'll hear more about the extraordinary process that was engaged in—is suggestive very strongly of her having a clear political agenda, her being placed into that position by the government to exercise that political agenda under the guise, and this is the dishonesty of this appointment, of being an independent member of a tribunal.

This woman cannot be fair and impartial. No appellant appearing before her can expect a fair and impartial hearing, and it's ludicrous to suggest that there would ever be anything but the apprehension of bias on her part, on the part of an appellant who was in receipt of social assistance benefits.

A thoroughly repugnant appointment, one which, as I've said before, if the majority of this committee votes in support of—and I'm confident they will, because the Tory members are going to be whipped and will support whoever they're told to support, no matter how loudly it barks or no matter how slimily it squirms its way in or out of the committee room. Here's a woman who, I tell you, will cause grief to this government during the course of her tenure on the Social Assistance Review Board. If you think these are her last press clippings, you're sadly mistaken. She will do damage that is cruel, unfair and contrary to everything that decent people should believe in.

Needless to say, I'm not going to be voting for her.

Mr Bob Wood: Actually, I think I might vote for her. I think she's a well-qualified appointment. She has elected experience, she has business experience, and she has community experience. She understands the job well and she wants to serve.

It has been pointed out today that she speaks her mind, and she does. As far as I'm concerned, that's no disqualification for a public appointment. I think she's going to in fact give a fair hearing to everyone who appears before the committee. I think that's her record of both public and business service.

The fact of the matter is, this board is in a mess. It takes one year from the start of an appeal to a decision. We need people like Evelyn Dodds to fix that mess. She supports the government agenda, and that's what we need on the board.

It has been pointed out that we have changed the Liberal-NDP system of how an appointment is made, and that's quite right: The people's decisions are going to be made by those who are elected by the people. The proof that that system is working is the appointment we've seen before us this morning, which I think is an excellent appointment. We've very fortunate to have someone of this calibre come forward.

Mr Crozier: Just an observation: If this committee is to do its duty, it's incumbent upon us, and the government too, for that matter, to question, even harshly at times, those who appear before us, because they're going into well-paid, responsible jobs. I observed this morning that the government side may have been a bit upset at the line of questioning. I don't think they should be. I think it's our duty.

I regret that the government members even were acting as counsel and telling the witness not to answer the question. I don't think that's our place to do that. Certainly, competent people who appear before us are well able to determine what they answer and how they answer it. In fact, those who are evasive tend to leave the door open for assumptions that may not be fair.

I would have preferred that Mrs Dodds had answered my question directly about bordellos. I think she understands full well what was being asked, yet by her being evasive, the only conclusion I can come to is that, whether you're subsidized or not, she had insinuated that anyone who lives with a boyfriend or an ex-husband is living in a bordello. It's unfortunate that she didn't answer the question more directly. But for us to intervene and tell her what to answer and how to answer it, I really don't think it's our place to do that if we're to operate as an effective committee.

To the process: I was concerned, as Mr Cooke brought out in the questioning, that the process was not followed in this case. If we're ever to get appointments to committees and boards and commissions to be fair—every government professes to want to do that, but none has so far. In fact, I guess Mr Wood said this morning that the process followed before will no longer be followed, that it will be government people; that was a question I'd been waiting to ask somewhere along the way.

So I expect now that we can look forward to all appointments being patronage appointments. Although

I'm not pleased with that tack, I am pleased that the government is now on record as having said that the process will no longer be a fair and equitable one, that they will be Tory appointments. I'm disappointed in that, quite frankly.

Because that process was not followed in this case, I won't be able to support or at least concur with the appointment of Mrs Dodds.

Mr Cooke: I'm not going to repeat everything that's been said, although I must say that I, along with others, find this appointment one of the most distressing things this government has done.

Mr Wood sits there and proudly says, "That's right, we're going to do the appointments process differently"—and I would say it's not really different; it's the way the Conservative government did it previous to 1985—"we're going to have elected people involved." But you can go through a fair process, one that puts these types of positions, quasi-judicial positions, through an appointments process that is fair and is at arm's length from the political process but still achieves your ends of having people who agree with the government agenda. In fact, if you believe what Ms Dodds said this morning, agreeing with the government agenda on the Social Assistance Review Board is irrelevant because she implements the law, and if you want to change the law, the politicians have to do that.

Other than the arrogance of the approach Mr Wood proudly talks about here, "Yes, you're right, we're not going to go through a fair, independent process," what makes this appointment even more obnoxious is that the member this morning said: "I didn't go through an interview. I didn't talk to anybody. I sent in my résumé and I got a call from the Premier's office saying I'd been appointed." That is the clearest confirmation that this appointment had nothing to do with competence; it had everything to do with her political membership and the fact that she's a defeated Tory candidate that put her on the board.

1100

The Tories may say, "That's great; that's what we're going to do," but this is the party that said people in the province are cynical about the political process, cynical about politicians. And they don't believe this is going to feed into the cynicism in the province?

I remember in my area of the province, where Tories don't get elected, the only way they ever got Tory candidates was, "You run for us and Bill Davis promises you an appointment to the Ontario Municipal Board" or something else. Sandy Thomson was the last Tory candidate who ran when the Tories were still in power in the 1981 election, and I believe he's still on the Ontario Municipal Board. He ran against me. It's one of the things we learned down in Windsor-Essex when the Tories are in power: "If you run against us and you lose, you're going to end up with a job that pays a lot more than we get paid when we win." It's ironic, but that's what happens.

The cynicism that this builds into the system is incredible. You can proudly say what you say, Mr Wood, but you've got to remember that it was your party that also said the process was going to be changed; it was your party that got up every time anybody was appointed who had NDP affiliation when we were in power, or anybody who had Liberal affiliation when they were in power, and said the system was being destroyed, that there needed to be a complete arm's-length process, that, "We aren't going to make patronage positions." Then you get elected and you do a complete flip-flop and build more cynicism into the process than could ever have happened in the past.

A job like that on the Social Assistance Review Board—that was one reason it was one of the first major bodies where the appointments process was significantly reformed after the 1985 election, because it's absolutely essential that the people on that board have the confidence of the people in the province, that they're not patronage appointments, that they're appointed on the basis of their qualifications, understanding, commitment and sensitivity to the system. In one appointment, the Tory government has completely destroyed that.

These are the folks who say, "We're voting against employment equity because we believe in the merit principle." Some merit principle. What a bunch of gobbledegook, what a bunch of hypocrites, to be very honest about it. That's exactly what it is. The only qualification you need in this particular appointment is that you are a Progressive Conservative.

I certainly appreciate that it has become much clearer in the process this morning. The minister, when he answered questions from the opposition parties when this appointment first came to light, didn't say anything about the appointments process. He said the appointments process was being respected, that she was being appointed on the basis of her merit. He never acknowledged—in fact denied—that there were no interviews. There's a lot of questions for which the minister has to be held to account, based on this morning. I think he was not fully honest with the Legislature when he was answering the questions. That's been confirmed by Mr Wood here—I'm glad he said it on the record—and it's certainly been confirmed by Ms Dodds in her testimony.

Mr Chair, I obviously will also be voting against this appointment. I'll finish by saying that I know the Tories over there—they're all new members of the Legislature—will say, "Of course you're going to vote against her, because she's a Tory." You will go home and you will absolutely believe that's the case. I just ask you to take a look at the record of my appointments in any ministry that I had anything to do with when I was a cabinet minister, and you'll see that a number of Conservatives were appointed by me; there were some Liberals and some New Democrats too, and lots of non-affiliated people. It wasn't on the basis of political affiliation.

I remember one in particular. Susan Fish was put on the Ontario Municipal Board, somebody whom I very much promoted to be on the Ontario Municipal Board. There are many others. Even on the Royal Commission on Learning the co-chair was Monique Bégin. There were lots of others, because we tried to move to a process that

was more reflective of the people of the province and represented all the political views in the province.

This appointment is best described as an absolute disgrace. If they continue in this way, there's no doubt at all that cynicism will build further in this province. There is no way Mike Harris can now lecture any of the other political parties in this province about how he's going to be a different kind of politician and all the rest of us were tarnished by the old way of doing things. This takes the process back to the 1980s, back to the 1970s, and it's an absolute disgrace.

Mr Preston: Mr Cooke has taken a statement and elongated it, stretched it out both sideways and lengthwise to fit his own ideas, but at no—

Mr Cooke: It's on the record.

Mr Preston: I did not interrupt you, sir, through the Chairman.

Mr Cooke: That wasn't the deal. I'll still interject when I want.

Mr Preston: If the person wishes to be that ignorant, he can go ahead.

Mr Wood did not say they were Tory appointments. He said they would be government appointments, people who thought the way the government wanted to proceed. He did not say "Tory."

Mr Kormos: These are independent arbitrators.

Mr Preston: Just a moment. Are you asking the questions?

The Vice-Chair: Mr Preston has the floor. Go ahead.

Mr Preston: Thank you. Mr Kormos is now talking, and he's the one who took a statement the lady made and stretched it out. She said she was francophone. She didn't say she was bilingual, as he says, and then gave it up in her later life.

Mr Kormos: Read her résumé.

Mr Preston: She said she was francophone. Francophone doesn't change in later life. Francophone is francophone.

Mr Kormos: Not if you can't speak it any more.

Mr Preston: I didn't know "francophone" had that meaning. I thought francophone—

Mr Kormos: What do you think it means, you dumb shit? What do you think it means?

The Vice-Chair: Excuse me, that language is unacceptable.

Mr Preston: I'm not going to take any of that from you, Mr Kormos.

Mr Kormos: I withdraw that he's a shit, but he's still dumb.

The Vice-Chair: Would you withdraw that comment as well?

Mr Kormos: Yes, that he's a shit.

The Vice-Chair: And the other comment you made that was unparliamentary. Withdraw that.

Mr Kormos: I withdraw it because it's unparliamentary, not because it's untrue. I'm not sure it's unparliamentary. He doesn't know what "francophone" means.

Mr Preston: Mr Chairman, I apologize. I shouldn't get upset at the rabble. I'm sorry. I got upset and spoke out of turn. I should ignore him. That's the level he should be treated at.

Mr Kormos: Try a dictionary for "francophone."

Mr Preston: He can say anything he wishes, but the lady said she was a francophone. She also has been a single mother. I think she has the integrity, regardless of her stripe, to adjudicate in accordance with the law. Judges have biases. They do not use them when they're adjudicating a case. They adjudicate a case on the evidence. I believe she is well suited.

The Vice-Chair: Mr O'Toole next. No, just a second, Mr O'Toole. I didn't have anybody on the list when you put your hand up. I'm trying to do a rotation, so I'm going to go to one of the Liberals and then we'll come back to you. Mr Bartolucci.

Mr Bartolucci: I come to this committee being a virgin in provincial politics still. I'm trying to remain a virgin, but it becomes harder and harder and harder as the committee meets.

Just let me tell you why I'm not going to be supporting this appointment. I clearly believe that Mrs Dodds is not qualified to sit as a vice-chair of SARB. The most important qualification that a member of SARB must have is the openness and sensitivity to be able to adjudicate in a fair, unbiased manner. By her own admission, she brings very strong personal biases with her. This is baggage she can't get rid of. She has it, she admits to it, and then she says, "But I will be able to do it in a fair way." That is an impossibility.

1110

Let me just not agree with my very respected colleague across the way. Judges do form their decisions on biases. That's called precedent. Both past and present decisions are based on biases people have.

She does not have the ability to be fair in her position. Even if you believe she is a competent person, I don't believe she's been stacked against others who have applied. She was given the appointment. If she had had the courage to say, "Yes, it was a political appointment"—we all know it was—I think I would have garnered a little more respect for the witness. But she didn't even have the courage to do that, and that is shameful.

And let me tell you, I agree with Mr Kormos that this person's mind will come back to haunt this committee. It will haunt SARB and it will be a discredit to the adjudication process. Clearly, she is not and cannot be fair in her appraisals, and that reason only is why I will not be supporting the appointment to SARB of Evelyn Dodds.

Mr John O'Toole (Durham East): I enjoyed sitting in on this committee this morning. I'm not surprised by the style and the gist of the questions. There's so much, whether it's PC philosophy or just general social ideology, that's most apparent to me in the line of questioning. It was in no way looking at the ultimate qualifications of the individual. There's no question that each one of us—the more profile you have, the more people take note of the comments you may or may not have made and make news out of it.

When I was looking over the notes this morning in preparation for this meeting, I did read the Thunder Bay Chronicle of October 1995. It was a very, I thought, balanced article, addressing this appointment to SARB. One of the phrases says, "Dodds came to prominence as a Thunder Bay school trustee pursuing basic essentials and weeding out waste." It goes on to say: "Dodds was called a slasher, but she acted primarily on the demands"—this is most important—"of most taxpayers to save money providing needed services. She may have been aggressive but she always worked hard, was always fully briefed and always had the interests of the taxpayers at heart."

That really, in my mind, on balance is a reason to bring some sense of order and accountability to this board. I believe that on any board there is a dynamic that occurs. The individual being new to whatever position is bound to learn from the association of professionals and other people you have contact with. I think the province will be richer for her input.

I take on good face value what she said this morning, that she doesn't bring her political agenda with her, that she's there to look at the facts as they're presented and at the situation of the appellant and make decisions in a fair and honest fashion. After all, she will be seen as doing that, I think, when she's given the opportunity to provide that service to her community. After all, she has been in service to the community, as she said, since 1980.

Each of us here probably in some way has come up through that thing, and we get pushed on to agendas. The news picks up anything you say if you're in that kind of arena. In fairness, I met Mrs Dodds during one of the training seminars we had prior to the election, and I found her very strong, very opinionated. That's the kind of leadership that I think will serve this board well; we're not just being shuffled off without any kind of input.

I think we should look at her credentials and respect those for what they are. She represents fairness, in my view, and she has, after all, the interests of the taxpayer at heart. That's really what our agenda is, to be balanced, fair, and there's no more tax money. Thank you very much for the opportunity to comment.

Mr Gravelle: I believe this is an extraordinarily inappropriate appointment. I live in Thunder Bay. I was there when Mrs Dodds was on her purge. No matter how one looks at it, she frightened people to a degree that was really totally unfair. She made everybody who was on social assistance feel certainly a loss of dignity and a great fear in terms of their own future, and seemed to be taking some glee in it. I think it's clear she has shown her bias in a most remarkable way. Even if she is capable of adjudicating these positions, it's clear that somebody else who has not expressed these biases should have been picked if there was any fairness at all in the system.

It's a blatantly inappropriate and deliberate appointment, and I certainly don't support it.

The Vice-Chair: Having heard from all the caucuses in some adequate degree—

Mr Kormos: A recorded vote, Mr Chair.

The Vice-Chair: —we're going to put the vote. And I've heard a call for a recorded vote by Mr Kormos, so we'll have a recorded vote.

All those in favour of this appointment please raise their hand.

Ayes

Ford, Fox, Leadston, Martiniuk, O'Toole, Preston, Wood.

The Vice-Chair: All those opposed to this appointment will raise their hand.

Nays

Bartolucci, Cooke, Crozier, Gravelle, Kormos.

The Vice-Chair: The appointment is approved.

SUBCOMMITTEE REPORT

The Vice-Chair: We'll now move to the adoption of the report of the subcommittee. Would somebody move that adoption?

Mr Bob Wood: I will so move.

The Vice-Chair: Any comment on the subcommittee report?

Mr Kormos: Put the question.

The Vice-Chair: All those in favour of the subcommittee report please raise their hand. All those opposed to the subcommittee report? Seeing none, I declare the subcommittee report accepted.

We are adjourning at the call of the Chair. We'll see you in the intersession.

The committee adjourned at 1117.

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**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Cooke, David S. (Windsor-Riverside ND) for Mr Laughren
Martiniuk, Gerry (Cambridge PC) for Mr B. Johnson
O'Toole, John R. (Durham East / -Est PC) for Mr Newman

Clerk pro tem / Greffière par intérim: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Mercredi 24 janvier 1996

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

Intended appointments

Nominations prévues

University of Toronto

Chair: Floyd Laughren
Clerk: Tannis Manikel

Président : Floyd Laughren
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 24 January 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 24 janvier 1996

The committee met at 1005 in committee room 1.

SUBCOMMITTEE REPORT

The Vice-Chair (Mr Tony Martin): Good morning. We'll begin the committee so we can get it over on time. The first piece of business this morning is the adoption of the subcommittee report. I'd ask that somebody perhaps read this into the record.

Mr Bob Wood (London South): I'd like to move that reading of the subcommittee report into the record be dispensed with. Everybody's got a copy and I think there's no point in reading it into the record.

The Vice-Chair: It's quite a lengthy document; it's three pages.

Mr Peter Kormos (Welland-Thorold): Consent.

The Vice-Chair: Consent? Okay.

Mr Kormos: Yes, Chair, but please, three pages is not a lengthy document. Bill 26, at 211 pages long with a compendium of over 2,000 pages—that's a lengthy document.

The Vice-Chair: I'll entertain a motion to adopt the subcommittee report.

Mr Bob Wood: I move that the subcommittee report be adopted.

The Vice-Chair: All those in favour? It's adopted.

INTENDED APPOINTMENTS

HANS KELLER

Review of intended appointment, selected by the third party: Hans Keller, intended appointee as member, City of Timmins Police Services Board.

The Vice-Chair: We'll move to our first appointee this morning, Mr Hans Keller. Welcome, Mr Keller, and we want to thank you for coming this morning to assist us in this very important process we go through here.

Mr Bob Wood: Mr Chair, Mr Keller wishes to make an opening statement.

The Vice-Chair: Go ahead, Mr Keller.

Mr Hans Keller: Good morning, honourable members, ladies and gentlemen. I'm sure you're aware why I'm here, and that is to assume a position as a board member on the Timmins police board. The present government feels I'm qualified to sit as a board member on the Timmins Police Services Board and so do I.

It was suggested by fellow associates and friends that I allow myself to stand as a potential candidate for board member on the Timmins police board. After careful consideration, I allowed myself to stand, knowing that consenting to an appointment would involve giving up some personal and business time. In short, it is time to give back to the community in which I have gained such an immeasurable amount of personal and business satisfaction.

By applying a strict ethic and commonsense approach to everyday matters, I have been able to develop my business to the point where my time is not required on a day-to-day basis. This, I feel, allows me ample time to sit as a board member.

My wife and I manage a company based in Timmins, a company called Erocon Corp, a land reclamation company specializing in mine closure work throughout Ontario and other provinces and associated with mining industries in these provinces. We've been conducting the business for 11 years, employing up to 100 people or more at any given time. Our gross annual payroll receipts are in excess of $2.5 million. As a team, we have goals, we identify them and we aggressively pursue them.

If and when I am appointed to the Timmins police board, my immediate goal will be to familiarize myself with the board's operation and function, gain the confidence of my fellow board members, and eventually get on with the board's business.

I guess that will be my opening. If I seem nervous or hesitant, you'll have to forgive me.

The Vice-Chair: Yes. We'll start the questioning this morning with the government caucus.

Mr Bob Wood: I'd like to put the first question, if I might. Mr Keller, what's your opinion of the existing police station in Timmins? Does the city, in your opinion, need a new building?

Mr Keller: I haven't had an opportunity to sit down with the present board members in Timmins. I'm aware of some of the publicity the issue has gotten in Timmins, but I at this time have not formed an opinion either way.

Mr Gary L. Leadston (Kitchener-Wilmot): Mr Keller, how do you see your role as a commissioner on the police services board? What would you assume would be the most important aspect of that role?

Mr Keller: Facilitating the board's business and complying with the present legislation and seeing that the police service carries out those duties as it's been laid out in the act.

Mr Peter Preston (Brant-Haldimand): How do you feel about the work the police are doing in the community, and how could the relationship between the police and the community be improved?

Mr Keller: Being a resident of Timmins and having had an opportunity to meet various police officers from time to time, in spot checks and the odd speeding ticket, I think they do a remarkably good job. I haven't heard of any incidents where there have been any controversial

issues regarding, let's say, police brutality or questionable police practices.

Mrs Lillian Ross (Hamilton West): As a business owner, you have certain professional strengths you could bring to the board. How do you think they could be applied to the board, and what strengths would you bring?

Mr Keller: When I look at the complement of police officers in Timmins, it measures about 73, and their budget is approximately $6.8 million a year. The number of people and the size of the budget are familiar to me. Being in the position where I'm dealing with that many people or more and managing and budgeting a value of income higher than that, I feel I might be able to apply some of the things I have learned in the course of my business to the Timmins police board.

Mr Douglas B. Ford (Etobicoke-Humber): Mr Keller, have you ever been a victim of crime yourself?

Mr Keller: No, I have not. I was going to make a little joke, actually, but I don't think I will. I've been a victim of overtaxation, if that's a crime.

Mr Ford: No, we're just talking about crime itself.

Mr Keller: No, I have not.

The Vice-Chair: Anybody else from the government caucus? You have about four and a half minutes remaining on your time.

Mr Bob Wood: We'll reserve the balance of our time for possible future questions.

The Vice-Chair: Okay, then we'll move on to the Liberal caucus.

Mr Michael Gravelle (Port Arthur): Good morning, Mr Keller. I've read that the Timmins police force has a complement of 73 officers.

Mr Keller: That's correct.

Mr Gravelle: I am from northwestern Ontario, from Thunder Bay, so I know the situation in Thunder Bay in terms of the policing to some degree. Obviously, one of the concerns they have is that there's a need for more police, and they're trying to do some different kinds of policing. Do you have any sense in terms of whether the Timmins police force feels the need for more officers to do the job?

Mr Keller: At this time, I haven't been given an opportunity to examine the extent of the services offered in Timmins in the police service, only what one might read in the newspaper or hear on the radio, so I haven't really been able to formulate a direct opinion on whether the community might need more or less service. I don't know.

Mr Gravelle: Do you have any thoughts in terms of community policing? I don't know whether this is something that's actually happening in Timmins, but certainly in Thunder Bay they've moved back to a concept of community policing, where they've got policemen out on the beat. I wanted your opinion on it.

Mr Keller: I certainly support police on the beat. The more visible exposure the police have in the community, I would think the safer the citizens of the community would feel. I would, so I'm sure they would.

Mr Gravelle: One of the realities in our times is that there are always funding concerns in terms of whether there are enough funds to maintain the level of policing that has been promised. Of course this government, during the last election campaign, made it very clear that it would not in any way do anything that would reduce policing. Is that a concern in Timmins? Is this something the police services board fears now, a concern that there may be less money because the municipalities have less money?

Mr Keller: I think that's a concern for everyone in this day and age, but I can't speak with any direct knowledge of, let's say, the police department's concern or the board's concern at this time, because I haven't had an opportunity to sit down with any of them to discuss it or to look at any of the issues.

Mr Gravelle: You don't seem all that familiar with the policing situation or the police in Timmins, which strikes me as a little odd in terms of going on this particular board. I would tend to think you'd be more familiar with it. How did this appointment come about? Were you invited to—

Mr Keller: It was suggested by several friends in the community who have participated in other community ventures or positions. They felt I would be an excellent candidate to sit on the board based on my background experience in my business operation. Like I said before, after considerable thought I decided to let it stand because I do feel, as one of the silent majority in Ontario, that it's time we start to participate in the way our communities and municipalities are being run.

My lack of knowledge of the current operations of the city police department is likely a matter of fact, but it's one that I will aggressively pursue and inform myself exactly what the needs and potential or future needs will be.

Mr Gravelle: I certainly appreciate your honesty in that, but it does seem odd to be put in this position and not to be more familiar.

Mr Keller: I'm a strong proponent of law and order, and the first and utmost issue is for a municipality to feel safe in its surrounding.

Mr Gravelle: What's the policing situation like, in terms of crime and that, in Timmins? What are the major concerns with which you're familiar?

Mr Keller: I would say that in Timmins, like many other communities, there's a large number of break and enters, and this is one of the greatest concerns, I believe. Of course, you have the odd violent crime that occurs, which is unfortunate, but it does occur. Overall, I would say that the people in Timmins feel very secure with the service that so far is being exercised in Timmins by the police department. I certainly feel safe, and the people I come into contact with really do not have any complaints.

Mr Gravelle: Would it be fair to say that in terms of your philosophy on policing and on crime in general that you have a get-tough policy or "Be tougher"? I guess what I'm looking for is your philosophical position. You talk about believing in law and order, and I think we all do, but I'm trying to get at what that might mean in terms of your position and how you would reflect that on the board.

Mr Keller: As a member of the board, I would be sitting within a quorum and we would no doubt have to carry out what the Attorney General sets down as the

punishment for the crime. I guess we all have—how shall I say it?—independent views on how law and order should be exercised and how it should be done, but I don't think at this time it would be appropriate for me to say because I don't think it's an issue.

Mr Mario Sergio (Yorkview): Mr Keller, how do you view the possibility of charging for some services provided by the police?

Mr Keller: I'm sorry. Could you repeat that, please?

Mr Sergio: How would you view the fact that the police department may be charging for some of their services?

Mr Keller: How do I feel that they will be charged for some of their services?

Mr Sergio: That they provide to the community, of course.

Mr Keller: I'm sorry. I don't understand that question.

Mr Sergio: Bill 26 may force police departments to charge for some of their services. How do you feel about that?

Mr Keller: I've been out of the country for about a month and a half and I haven't had an opportunity to review Bill 26 or to see what changes there are, and I'm sorry I wasn't made available with that information. If a municipality is to provide a service, it doesn't necessarily matter where the funds would be directed from.

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Mr Sergio: Do you think that taxes paid by taxpayers from residential or commercial, industrial, whatever—businesses—should be enough to cover those services or that citizens should be burdened to pay for some other services?

Mr Keller: I would think that the taxpayer feels he's certainly paid enough for the services he's presently getting. I'll stress the law and order issue again. When it comes to feeling safe within a community, if there is a shortfall of revenue and if people are given the choice of, "We'll do with less services and put up with the potential of more risk," I would say they may have to say, "We're going to have to set aside a little bit of extra funds to maintain the high level of service."

Mr Sergio: Would you go to the people and ask for their views before?

Mr Keller: Yes, of course. Sure.

Mr Bruce Crozier (Essex South): Good morning, sir. Just a little further to what my colleague was saying, this may be an example of what my colleague was getting at. You have a business, and I don't know whether you have a burglar alarm, but if you do and if you had false alarms, do you feel the police services should charge for false alarms?

Mr Keller: Yes, I do. As a matter of fact, I have alarms in my businesses and in my home, and unfortunately they do go off from time to time. It's my responsibility to make sure that doesn't happen. If I take up the time of the police service, I'll have to pay for it.

Mr Crozier: Using that example, could I generalize and say that therefore you would be open to reviewing services the police provide for which you would charge an additional fee?

Mr Keller: Yes, I would.

Mr Crozier: If someone were from out of town and needed the services of the Timmins police, would you consider charging them a fee?

Mr Keller: I would say that if that's the consensus of the community, I guess they would have to. I'll have to go along with that.

Mr Crozier: I'm not trying to trap you or anything. I'm just trying to find out where you're coming from, that's all.

Mr Keller: I understand.

The Vice-Chair: That's the Liberals' time. Thank you very much. We'll move on to the New Democratic caucus and Ms Churley.

Ms Marilyn Churley (Riverdale): Good morning. I'd like to ask you about a very specific area that is of great concern to me and many other women and of course their families as well across the province—

Interjection: And men.

Ms Churley: And men. I said "and their families." Don't get defensive. That is wife abuse and domestic violence. You mentioned in answer to a question earlier that from what you know about the scene in Timmins, there's the odd violent crime. I'd like to know your view, from what you know about violence against women and domestic violence in Timmins, around the need to have people on the police services board in Timmins and across the province who have a background in this area. The last question: Are you familiar with the new guidelines that our government brought in around police handling of wife assault?

Mr Keller: Just as a general overview, not anything specific that's been engrained in my mind. Number one, I abhor violence of any kind and I certainly abhor wife assault. Thank God, I've never resorted to committing that against my wife; if I did, I'd be dead. But I believe a severe penalty should be exacted upon the perpetrator of any crime, and wife assault is the same. They should be as severely punished for that.

Ms Churley: If I can follow up on this, there was a very striking documentary on CBC last night that focused on a particular woman whom the justice system basically failed throughout, from policing on down. She eventually got suicidal, made attempts with her child, went into hiding. It was a horrendous story. People who work in the field who were interviewed later said this is a very typical story. In fact, the crime itself is similar to others, but the implications around it are very complicated. So that's why I raised it as a particular area.

As a member of the board, if there is not a representative on your board who has some specific background in this area who can help with these specific problems, would you be willing to push for and make sure that there is somebody who has that kind of expertise on the board?

Mr Keller: I would certainly support having someone who's very knowledgeable in that field. If there's a high percentage of, say, wife assaults in the community, I would certainly favour supporting a specific person to address that and look after that issue.

Mr Kormos: Mr Keller, far be it from me to even think about making any inquiries about your speeding tickets.

Mr Keller: Oh, you saw my records, did you?

Mr Kormos: You prepared a résumé, a curriculum vitae, in October 1995. That obviously was in preparation for your interview with a representative of the ministry.

Mr Keller: Could you backtrack again?

Mr Kormos: Your résumé is dated October 1995. That was prepared as a result of your application for this position?

Mr Keller: I was asked to prepare that if I was prepared to let my name stand as a board member, yes.

Mr Kormos: There were no newspaper ads in Timmins regarding this position that you're aware of?

Mr Keller: No, I was not aware of that, if there were.

Mr Kormos: You were simply advised to apply for this position by colleagues and friends?

Mr Keller: No, I wasn't advised. I was asked if—

Mr Kormos: You were prevailed upon by colleagues and friends?

Mr Keller: I was asked if I would be interested in it, and after a couple of weeks of considering that—

Mr Kormos: And these colleagues and friends understood that there was going to be a new appointment to the police services board?

Mr Keller: I believe they did, yes.

Mr Kormos: Notwithstanding that the board already had a full complement?

Mr Keller: That I don't know.

Mr Kormos: You don't know about that?

Mr Keller: No, sir.

Mr Kormos: In preparing this résumé for this position, surely having been involved in the community as a business person as long as you have, you're involved in community activities?

Mr Keller: I've been very active and I've been very busy within my business. I've done a lot of travelling in the past and I haven't informed myself enough of what is going on in the community, but I have found more time and I see more time in the future for myself to get more involved.

Mr Kormos: Fair enough. You seem to have an interest in law-and-order issues, in crime and punishment, is that fair to say?

Mr Keller: Everybody does, yes.

Mr Kormos: You have an interest in that, but that interest wasn't strong enough that you'd want to get involved in, for instance, a board of directors of a women's shelter that accommodates battered women?

Mr Keller: I don't understand what you're getting at.

Mr Kormos: You've never been involved in programs, for instance, to help underprivileged youths, like Big Brothers?

Mr Keller: No.

Mr Kormos: Any other volunteer activities in the community?

Mr Keller: I would say no. I've been, again—

Mr Kormos: Fair enough. You've been very busy.

Mr Keller: I've been busy with my business, building it and trying to make it successful.

Mr Kormos: Fair enough, sir. You had a telephone interview only with a member of the minister's staff. Did you not expect to be interviewed in person?

Mr Keller: I didn't think that was an issue or was something even to consider.

Mr Kormos: Fair enough. How long was the telephone interview?

Mr Keller: I didn't time it.

Mr Kormos: Was it very long at all?

Mr Keller: It all depends on where you're coming from.

Mr Kormos: I'm asking you if it was very long at all. Did it seem to you to be a brief interview or a lengthy interview? I wasn't there.

Mr Keller: It didn't last 15 minutes, if that's what you're getting to.

Mr Kormos: Got you. Were you advised that you'd be attending at this hearing?

Mr Keller: I was informed after I allowed my name to stand that the—

Mr Kormos: Quite right. How long has it been since you were aware that you'd be appearing in front of this committee?

Mr Keller: I didn't get to finish my last question.

Mr Kormos: How long has it been since you were advised that you were going to be appearing in front of this committee?

Mr Keller: I would say that it was mid- to late December.

Mr Kormos: Quite right. And you know that this committee's obligation is to make inquiries of you as to your suitability to serve on the police services board?

Mr Keller: Well, I understand that, yes.

Mr Kormos: You weren't advised of that in December?

Mr Keller: I wasn't aware that I was going to be appearing before this panel here today.

Mr Kormos: Until when?

Mr Keller: Until, like I say, mid-December to late December.

Mr Kormos: And you were told and you were aware that this committee's responsibility was to make inquiries of you as to your suitability to serve on the police services board? Is that correct?

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Mr Keller: Yes.

Mr Kormos: You haven't read the Police Services Act in the period of time from December to today?

Mr Keller: I had a general overview of the act. I haven't committed it to memory.

Mr Kormos: Have you read the Police Services Act?

Mr Keller: Yes.

Mr Kormos: Who provided that to you?

Mr Keller: Actually, the mayor of Timmins did.

Mr Kormos: So you obviously went to him and told him about your appearance before this board.

Mr Keller: No, I didn't go to him.

Mr Kormos: He volunteered the act to you?

Mr Keller: He volunteered it. "Can I be of any assistance to you?" I said I would like to inform myself a little bit as to what's going on and what has to be done.

Mr Kormos: Fair enough. What other inquiries did you make besides obtaining a copy of the Police Services Act from the mayor?

Mr Keller: That was it.

Mr Kormos: You didn't visit any police station?

Mr Keller: No, sir.

Mr Kormos: You didn't talk to any police officers?

Mr Keller: I was out of the country.

Mr Kormos: You didn't talk to any police officers?

Mr Keller: No, sir.

Mr Kormos: You didn't attempt to contact any of the other members of the police services board?

Mr Keller: Not intentionally, no.

Mr Kormos: Did you contact them unintentionally?

Mr Keller: I bumped into one, yes.

Mr Kormos: Did you make inquiries about the role of the board?

Mr Keller: No.

Mr Kormos: Did you inquire about the status of vacancies on the board?

Mr Keller: No.

Mr Kormos: Did you inquire about who you were replacing?

Mr Keller: Pardon me?

Mr Kormos: Did you inquire about who you were replacing?

Mr Keller: No.

Mr Kormos: Have you made any effort to read anything or acquire any material that discusses what policing is in Canada?

Mr Keller: Yes, the information that the mayor gave me—

Mr Kormos: The Police Services Act. Anything else?

Mr Keller: The Police Services Act and the act of governance of the police board, the duties of a board member to work within the quorum of the Timmins police board.

Mr Kormos: Did you make any inquiries about the incidence of violent crime in Timmins?

Mr Keller: No.

Mr Kormos: Did you make any inquiries about the ratio of police officers to citizenry?

Mr Keller: At this time, no.

Mr Kormos: No determination to see whether, comparatively, Timmins was overpoliced or underpoliced?

Mr Keller: As I said before, I arrived back in the country just last Friday. I was aware that I was going to be appearing here before the panel and I made as much effort as I possibly could to inform myself of what I had to in order to prepare myself here for this—

Mr Kormos: In one of your responses you made reference to the word "punishment." You obviously have concerns about the level of punishment or the type of punishment that's meted out for the commission of crimes?

Mr Keller: I think those laws are set by the government and it would be inappropriate for me to express my personal view as to—

Mr Kormos: No, it would be entirely appropriate. You're here to express your personal views. That's what we're making inquiries of you about.

Mr Keller: If I'm here as a board member—

Mr Kormos: You're not a board member yet, sir.

Mr Keller: No, I understand that.

Mr Kormos: Go ahead. Do you have views about the type of punishment meted out for the commission of crimes?

Mr Keller: Of course I do.

Mr Kormos: What's that got to do with the police services board? Is that within the ambit of the police services board?

Mr Keller: That has absolutely nothing to do with the police services board.

Mr Kormos: Quite right. The issues of crime, you relate the issue of crime to punishment. What has crime got to do with the police services board, in your view?

Mr Keller: The police services board sets out policy so the police chief can carry out his duties as per his arrangement with the Timmins police board, and a board member oversees what he carries out by law.

Mr Kormos: For example, tell us of three policies that the police services board might consider.

The Vice-Chair: Mr Kormos, your time has transpired. We've got some time left for the government caucus if you had a question or two further.

Mr Bert Johnson (Perth): I wanted to inquire of Mr Keller whether he knows Ted Huffman.

Mr Keller: No, I don't.

Mr Bert Johnson: Ted Huffman was the principal of the secondary school in Timmins, was appointed to the police services board in Listowel a couple of years ago. You have no knowledge of the man at all?

Mr Keller: No, I don't. I'm sorry.

The Vice-Chair: Any further questions from the government caucus? Thank you very much then. That's the end of your time, Mr Keller. We appreciate you coming forward. Your presence here has been helpful.

PIERRE LALONDE

Review of intended appointment, selected by official opposition party: Pierre Lalonde, intended appointee as member, Ontario Institute for Studies in Education board of governors.

The Vice-Chair: The next interview will be Pierre Lalonde, intended appointee as member, Ontario Institute for Studies in Education board of governors. Welcome, Mr Lalonde. We'll start this round of questions with the official opposition, the Liberal caucus. First, does this candidate want to make an opening statement?

Mr Bob Wood: No, he doesn't.

The Vice-Chair: Okay. Go ahead, Mr Gravelle.

Mr Gravelle: Obviously, there's a number of education-related issues that would be interesting to talk to you about. Do they still call it OISE, the Ontario Institute for Studies in Education? I've had people who have told me it's—whatever.

Mr Pierre Lalonde: I believe many of us still call it OISE, but now it's OISE/U of T.

Mr Gravelle: I was going to say thank you for not embarrassing me. That's exactly where I want to go; the whole question of the merger, if that's the word. Obviously, there's a number of ways one could interpret that, but in essence, what are your thoughts on the merger of OISE and U of T? Do you think this will be beneficial in terms of what the role of OISE has been over the years? Will it be better for OISE or will there be some limitations?

Mr Lalonde: It's my understanding that in terms of the financial position that OISE did find itself in over the

last few years, this merger was going to be helpful to them because of, if I understand correctly, some kind of transitional funding. I also believe that whereby in the past OISE has focused mostly on graduate studies and therefore graduate students, this merger will allow for some interplay between the professors of OISE and, if you wish, the undergraduate students at the U of T, and from my perspective, obviously, with the people in the faculty of education, which I believe will be enriching for young people seeking to become teachers.

Mr Gravelle: Do you have any sense of what guarantees there are, if there are any guarantees, in terms of next year and the year after; whether OISE will continue to function in the role it has? Obviously, we're going through an interesting time in education when the minister is announcing rather major cuts and more recently talked about even larger, rather extraordinary cuts, which are obviously controversial, to put it politely. Certainly when one hears about non-classroom type functions, one wonders whether this merger is the start of something else. I'm just wondering whether you have any insight or any thoughts on that.

Mr Lalonde: To be honest, I don't.

Mr Gravelle: I do want to ask you about your appointment itself. You were recommended by the Ontario Teachers' Federation? Is that correct?

Mr Lalonde: That's right.

Mr Gravelle: What was the process you went through for that? Obviously, you've got a great background and I congratulate you for that. I'm just curious as to the process in terms of how this appointment was made and recommended.

Mr Lalonde: I'll give you my perception of that, sir.

Mr Gravelle: Fair enough.

Mr Lalonde: It's my understanding that in the act, that created OISE way back in the 1960s, I would suspect that back then the teacher federation either insisted, or whatever—convinced—members of Parliament or the Legislature that teachers should have a voice on the board of governors of OISE, because many of the services from OISE would be directed at teachers. For those of you who are somewhat familiar with the structure of the profession in Ontario, the Ontario Teachers' Federation is the umbrella body and we have five affiliates. I would suspect that is why we find ourselves with six representatives on the board of governors, one being from OTF itself and the other five people being appointed or nominated by our affiliates, of course approved by our board of governors at OTF.

It's also my understanding, sir, that traditionally the secretary-treasurer of the Ontario Teachers' Federation was often the appointee to the OISE board of governors, although the federation in its 52 years has had only three secretary-treasurers and this person here happens to be an acting secretary-treasurer. He was supposed to be in that role for six weeks. It will soon be a year.

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It's also my understanding that the registrar-designate of the future Ontario College of Teachers, my former boss, was the governor for OTF on OISE. With her new function, she resigned, of course, from the board of governors, and the federation decided at that time that they would appoint the acting secretary-treasurer to replace Mrs Wilson, who was the governor. And that's how I find myself there—well, as an appointee.

Mr Gravelle: Intended appointee. You're pleased about this, though. You're looking forward to the opportunity to serve in this position, I presume.

Mr Lalonde: Yes, I've been fortunate in my career to have opportunities to serve in many capacities. To tell you exactly what I can expect, I'll be very honest with you, I can't. But everywhere I've been named or appointed, it's been in my nature to give it my best shot, and I'll do it, if I'm appointed.

Mr Sergio: Mr Lalonde, you have indicated you will dedicate yourself on a part-time basis to this particular position. How much time would you dedicate to this particular position?

Mr Lalonde: I'm trying to imagine in my own head how much time this might take. It's my understanding from reading some of the notes—and I did not go into this dossier very profoundly. When two weeks ago I got a call saying, "Pierre, you're going to be interviewed by a standing committee," my first reaction was, "What?" So I got on to the phone to my former boss. I said, "Did they interview you, too?" And I called some of the colleagues who are on the board of governors. They said: "No, Pierre. This is the first time that this has happened."

Mr Sergio: Things are changing.

Mr Lalonde: Of course, I'm a bit intimidated, but to tell you exactly—I know there are eight meetings a year, for example. It has been, I think, my practice in the past, whenever I was appointed to any kind of committee, to put in the time required. Sometimes that makes for long days and long weeks, but that's the way I operate.

Mr Sergio: I see. Of course, we all share some concerns with respect to the number of dropouts. What would you suggest? What would you bring that would improve that particular situation?

Mr Lalonde: I don't want to get into an argument here.

Mr Sergio: No, no, just your views.

Mr Lalonde: Even if we were to come to the stage where in Ontario there were to be one sole dropout, I think we still have to be concerned. I believe we must continue to seek ways and fashions of making one's life at school. One of the problems I think we're having is that often our young people do not feel school is part of their life from the moment they get up to the moment they go to sleep, but it happens to be some time in the day that they must spend at school. In other words, I think we need to continue to make the life at school, the curriculum included, relevant to the life of the student.

I don't believe the percentage of dropouts is as high as they believe out there, but we must continue to find the ways and means so that every individual attending our schools finds it relevant and enriching and meaningful.

Mr Crozier: Just a very quick question: it won't take much of an answer. The researcher has pointed out to us that when this merger was first announced there were deans from other universities who were very critical of it, perhaps because they felt the U of T would have some advantage over them. Did you have any comment on that?

Mr Lalonde: Well, no profound comments, sir. From my perspective, universities, like any institution I guess, are in competition one with the other, and there's always that question, that the more clients you have the healthier you believe your institution to be. I can understand that from some deans' perception they would say: "Hey, this is really not fair. I mean, these people have the opportunity to offer the graduate students. Now they're merging with the U of T, which gives the U of T an advantage over us."

I would suspect that somewhere down the road, because of the—how would I put that in English here?—sense and that firm commitment to autonomy of the university institution, we may have to start rationalizing and the universities in this province will have to start talking and say: "Hey, the good old days are gone. We cannot afford to offer all kinds of programs. Maybe let's work together to provide the best service to the population of Ontario."

The Vice-Chair: Thank you, Mr Lalonde. We'll move on to the New Democratic caucus.

Mr Kormos: Mr Lalonde, I'm reading your CV and, hearing your response to the questions from the opposition, I can't help but think you're a highly qualified person to assume this position. When I realized that you weren't in fact a government nomination but were nominated by the OTF, I understood how you could distinguish yourself in that way.

Mr Lalonde: I didn't know that.

Mr Kormos: I come from down in the Niagara region. Specifically, I live in Welland, which is of course a Bill 8 community. We have a full range, both a Catholic and a public system, of French-language education now through to community college with the announcement by the last government of the French-language community college based there.

Obviously, you have an interest in French-language education because my presumption—I may be wrong—is that when you were teaching elementary school in Sudbury it was in a French-language program?

Mr Lalonde: Yes, sir.

Mr Kormos: There has been some criticism, rightly or wrongly, about the quality of training in French language of our teachers. You're aware of that, I'm sure, justified or not. What type of vision, what type of insight do you have into the need to develop, ensure and maintain quality training for French-language teachers in view of the fact that only a small portion of our post-secondary education is committed to French language in this province?

Mr Lalonde: That's true, unfortunately. No, I think it has been a concern over my career that the quality of teacher training, if you wish, has somewhat been lagging behind what my anglophone colleagues are able to receive. There are many factors involved here. I do recall, though it seems ages ago—34 years ago, in fact—when I went to teachers' college. Back then you were able to go to teachers' college directly from grade 12 and it took some years for the French-language community to have the requirement that a student teacher would have his degree. There were reasons behind that, because if we had gone to that requirement at the same time as our anglophone colleagues had done, we would have found ourselves without teachers in many of our classrooms.

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I do believe that my colleagues from the French-language affiliate in particular and our teacher education committee at OTF, which brings together all of the five affiliates, are very much aware of some of the problems we're having at the French-language institutions. We have, for example, at both the University of Ottawa campus, which has a campus also I believe in Windsor and Oakville, and l'École des sciences de l'éducation in Sudbury, our teacher ed committee has a continuing liaison with both faculties, and on an ongoing basis AEFO/OTF through our committees keep in—well, not just keep in touch; have these discussions with the faculties to ensure that our program is going to be of high quality. I must admit it's not always easy, the excuse being often at the university level that the resources aren't there.

I'll stop there.

Mr Kormos: I really don't know, but is OISE involved in developing or monitoring or indeed teaching in the French language to any great degree?

Mr Lalonde: I think through the two field centres in particular, the one in northern Ontario out of Sudbury and the one in Ottawa, it's my understanding that OISE, through its field centres, does focus on the needs of the French-language community.

Outside of the main office, if you wish, here in Toronto there is the Centre franco-ontarienne des études. I guess I'm on thin ice here because the francophone teaching community of course is not concentrated enough in the Toronto area, that the access to this particular centre is somewhat limited. So if we were to try and determine what proportion of French-language teachers take courses out of OISE, I would say that the proportion is probably less than it should be.

Mr Kormos: I applaud OTF for their nomination of you and I support francophones at OISE and in these positions with your type of qualifications.

The Vice-Chair: Is that it, then for the third party? Then we'll move to the government caucus.

Mr Dan Newman (Scarborough Centre): Having been nominated by the Ontario Teachers' Federation, what are your interests in serving on the Ontario Institute for Studies in Education?

Mr Lalonde: Cut me short if you think I'm philosophizing here. I've been a teacher at heart, at least maybe not in the classroom, for the last 34 years. I've been in the formal education system, as I say, for 34 years, 11 of those years in Sudbury as a classroom teacher, and I will admit to this day I still miss that. I've also been there as a school principal. I've spent some time, I've had a varied career, as I guess you would call—they called us back then education agents with the Ministry of Education, two and a half years, and for a good part of my life I've also been involved in teacher professional associations and/or some refer to them as federations and others will call them unions.

Over the years, I believed and I still do and understand better that what makes this place, this planet, what it is to me is strictly people. You take the people away and

what've you got? You've got nothing. So over the years, I've remained fascinated, and I still am, by the individual person. For example, and I believe this, there never has been and never will be another Dan Newman.

Mr Newman: If that's good or bad, I don't know.

Mr Lalonde: I'm not going to pass a judgement on that, but in my view, that makes a person unique. When you're a classroom teacher and you've got 30 of those in front of you, that is quite the experience to know that none of those is exactly the same; they're unique. At the same time, I'm fascinated that by nature we are social beings, and I remain fascinated, although I'm a bit disappointed at the pace of the evolution. But it seems to me that with the kind of work we've been doing, more of us are understanding that we're also part of something which is very special called the human race. That particular aspect has fascinated me and I say that that kind of evolution has been through education.

I consider myself very fortunate, with all due respect to other professions, whether we call it politics or medicine etc, to have had the opportunity to provide support and encouragement to a bunch of individual young people or older people to develop their hearts and minds. I'm a lucky person. Of course, as a teacher, I believe the majority of us are constantly looking for better ways to help those kids, to provide that support. I believe that the Ontario Institute for Studies in Education, especially through its research component, is providing support to me and my colleagues in exploring that territory of better ways. So that's where my interests lie.

Mr Newman: It's a genuine interest.

Mr Lalonde: I believe it is.

Mr Leadston: Mr Lalonde, the role of OISE, how do you see it developing direction for education for young people in our province, both in the elementary system and the secondary system?

Mr Lalonde: If I understand your question correctly, I get nervous with the expression "providing direction," you know, "OISE has determined that this is the way to go." On the other hand, I would interpret the phrase "providing direction"—I think that OISE is in a very good position to nurture the debate around the direction we should take. Being what we are, I think we'll always be seeking the direction to take. The moment that direction ignores the people involved, we're going to have rough times. So if I were to try to encapsulate my thoughts on that, I think OISE, because of what it has done in its 30 years of existence and I believe—and I've heard; I haven't checked it out—there are many graduates of OISE the world over. In other words, this particular institution is almost unique in the world and I think is in a great position to nurture the debate around the direction we should be going in.

Mr Leadston: How would you stimulate debate, then, on the direction of OISE?

Mr Lalonde: I would think, and here I'm guessing, that I would probably have a small part to play. I understand the role of a board of governors is to provide for the institute the thrusts where we believe they should be going, and I would hope that I would be able to provide some input. I don't think they would all say, "Well, let's listen to Pierre, he knows where we're going," but I would hope to enrich the debate of the governors in terms of where they believe the institute should be going.

Mr Leadston: As you know, all journeys begin with a single step, and if you're at the board table, what would you propose? What part would you offer to stimulate some dialogue and some debate?

Mr Lalonde: I'm not going to pretend, sir, that I'm going to answer that right now. I think I need to get a feel. I've never yet attended, and I don't know if I will, depending on what this committee decides, a board of governors' meeting. For example, I am aware—at least that was my perception of it—that the last few months, if not years, the board of governors has been much preoccupied by the merger of OISE with U of T. I would believe, of course, it was a very important thing the governors needed to decide because it meant, is this institution going to continue to exist or not? I would suspect that the governors can now put that aside.

I would like to, I guess, allow myself the opportunity to see at what level the discussions are currently at the board of governors, where the focus is. It's been my practice that if I felt that the focus wasn't necessarily going in the right place, it is both my right and my responsibility to question, that and I would do that.

The Vice-Chair: Any further questions from the government caucus? If not, the third party has four and a half minutes left.

Mr Kormos: We're relinquishing that.

The Vice-Chair: Okay. I want to thank you very much for coming forward, Mr Lalonde. Your time here has certainly been helpful, and somebody will be in touch with you as to what happens re concurrence later this afternoon.

Mr Lalonde: Thank you, sir.

1100

RONALD SUTHERLAND

Review of intended appointment, selected by third party: Ronald Sutherland, intended appointee as member, Town of Amherstburg Police Services Board.

The Vice-Chair: Mr Sutherland will be our next interviewee. Mr Sutherland is an intended appointee as a member of the Town of Amherstburg Police Services Board. Welcome.

Mr Bob Wood: Mr Chair, Mr Sutherland would like to make a statement, please.

The Vice-Chair: Mr Sutherland, any time you're ready, we're ready.

Mr Ronald Sutherland: Thank you, Mr Chair. First of all, I would just like to say that I'm extremely excited about being here this morning with the possibility that my appointment will stand to the Amherstburg police services board. This is something I've been looking forward to. For a number of years I've wanted to enhance—perhaps "enhance" isn't the word, but I'll use it anyhow—my personal stature in the community. I've always been one to be quite involved, not just in the background, as it were. I don't take the glory for things that have been done, but I certainly make myself known and I am definitely committed, not only in my career as a business person but in my volunteer commitments to the community in which I live.

I would just like to state that when the advertisement came into the paper my wife was almost as ecstatic as I was that I could actually get on to a recognized board other than just serving as a vice-chair of the Optimist Club or, in previous years, the Jaycees. I really believe that I have something to contribute to the community and the police services board of Amherstburg.

My objective, of course, is to serve as a board member of the Amherstburg police service commission, and I will make significant contributions through my business experience, my liaison planning, creative problem-solving that I go through on a day-to-day basis through my business and the company that I work for, my effective communication abilities, people skills, collective bargaining etc.

I really believe that new ways have to be found to reduce policing expenditures while at the same time maintaining or improving police services and programs in the community in which I live. To that end, I would like to just say that my community and volunteer services include such things as, through my business I am a volunteer member of the International Freedom Festival of Windsor. I am a volunteer member of the Carousel of Nations of Windsor also. I am a member of the Windsor and Amherstburg chambers of commerce. I was a member of the Amherstburg business improvement area; unfortunately, that has been disbanded about six or eight months ago. However, I am actively one of the renewal or founding members, if you will, along with one of the other business gentlemen in Amherstburg, to resurrect this organization and I hope that it will come to pass within the next few months.

I'm also a member of the Windsor Board of Trade. I am the past chairman—I've just relinquished the chair—of the health and safety committee of the Canadian Broadcasting Corp in Windsor. I believe that the experience that I've gained on that particular body will enable me to make proper decisions with the police services board in Amherstburg.

Along with that, I am a management representative on the joint manpower committee with the Canadian Broadcasting Corp and the CUPE and NABET unions. I have experience at the bargaining table in collective bargaining. Therefore, I believe the experience that I've had in that will come indubitably into play as a valued member of the Amherstburg police services, hopefully.

I'll definitely be a major asset to the board in budget setting and control of those budgets. I currently and for the past 10 years with the Canadian Broadcasting Corp annually have had to set a budget that is not just quasi pie in the sky, so to speak: "We spent X dollars last year, so we'll just take that and add 20%." That's not how we work. I work from a zero-base budget each year and have to live and operate within those means. I can see that I can lend that expertise or that knowledge that I've gained from that and the handling of those budgets right along to the Amherstburg police services board at the appropriate times.

I also manage a staff of in excess of 50, which makes it imperative that I can determine adequate personnel, especially in the company that I represent in these times of restraint. I've mentioned before that I have experience in the collective bargaining unit, and I believe that will be an addition and a benefit to the Amherstburg police services board.

I'm a strong believer in ongoing performance reviews, but I mean by that a doublesided review. When I have a review with my staff now, it's not just, "How is your performance doing?" but I ask them to ask me how my performance is doing. I believe that the ongoing sharing of communication between the two, management and staff, can be related to the Amherstburg police services board in the respect that we can share things, that if the Amherstburg police services board is not living up entirely to the expectations of the police chief and/or members, at least things can be discussed; it's not a one-way street.

The bottom line is that, as I say, I'm excited about this intended appointment, hopefully, to the police services board. Over the past 25 years of sales and management, I have taken the initiative to establish myself and achieve increasingly challenging objectives and initiatives, not only for myself, but for my staff and colleagues as well. I have earned a solid reputation, if you will, among subordinates, superiors, business associates and clients as an individual who expects and demands the highest attainable performance from myself and from those I'm associated with. I believe—

The Vice-Chair: Mr Sutherland, we've set aside a maximum of five minutes for opening statements. You've gone beyond that now, so we would ask you to stop at this point. We'll get into the questioning, if you don't mind.

Mr Sutherland: Thank you, Mr Chair. I was just going to end at that moment.

The Vice-Chair: Okay, good. We'll start the questioning this time with the New Democrat caucus.

Mr Kormos: Mr Sutherland, I'm pleased to see that you were interviewed by the public appointments unit and a member of the minister's staff. Were these in-person interviews?

Mr Sutherland: By telephone, sir.

Mr Kormos: In both cases?

Mr Sutherland: Yes.

Mr Kormos: How long were the interviews?

Mr Sutherland: In excess of a half an hour, I believe.

Mr Kormos: Really? Each one?

Mr Sutherland: For sure the one; I'm not exactly sure about the other. I'm sorry.

Mr Kormos: Far more thorough than in the case of some others, that's certainly true. You make reference to the Progressive Conservative Party philosophy relating to crime and punishment. That's fair enough. What is the Progressive Conservative Party philosophy relating to crime and punishment?

Mr Sutherland: As I understand the party's philosophy on crime and punishment, it's the—I could read it exactly to you.

Mr Kormos: Sure.

Mr Sutherland: I have it here somewhere, but I'm not going to delve into it. I'm sure I can't quote it verbatim. However, suffice it to say: Fair equity for all. Wife abuse is foremost in the front lines, along with employment equity, gun control etc.

1110

Mr Kormos: So the Progressive Conservative Party philosophy as to crime profiles—wife abuse is a target?

Mr Sutherland: I believe that it is. This is my personal opinion, but I believe it is certainly one of the numbers of things that is on the agenda that has to be addressed.

Mr Kormos: Fair enough. Gun control?

Mr Sutherland: The same.

Mr Kormos: That gun control is a goal?

Mr Sutherland: I believe that it is an enactment of that, yes.

Mr Kormos: Because, of course, the chiefs of police of Ontario endorsed the federal gun control legislation.

Mr Sutherland: As I understand it, yes.

Mr Kormos: So you're supportive of that?

Mr Sutherland: I am.

Mr Kormos: It being consistent with Progressive Conservative Party philosophy?

Mr Sutherland: Yes, sir.

Mr Kormos: With respect to employment equity, it's important that police forces reflect the communities that they're policing?

Mr Sutherland: Yes, that's true.

Mr Kormos: That there be women on those police forces?

Mr Sutherland: Yes.

Mr Kormos: And that there be members of visible minority groups?

Mr Sutherland: Yes, sir.

Mr Kormos: And, in so far as I suppose they can be accommodated, persons with disabilities?

Mr Sutherland: I would go as far as to agree with you on that, yes.

Mr Kormos: Not accommodate, but in terms of the role that they can play in a policing unit?

Mr Sutherland: Yes, sir.

Mr Kormos: So of course employment equity is something that's of concern to you?

Mr Sutherland: Yes, it is.

Mr Kormos: I'm quite pleased, I tell you, to hear that. So targeting spousal abuse—and I'm sure Ms Churley will want to speak to that—is important, giving effect to employment equity, because, you see, the Police Services Act had some special standards with respect to providing for equity on police forces. You're aware of that, aren't you?

Mr Sutherland: Yes, I am.

Mr Kormos: You, of course, endorse those.

Mr Sutherland: Let me answer it in this respect: Providing I'm appointed to the Amherstburg Police Services Board, yes, I will ensure that those policies are adhered to.

Mr Kormos: And the employment equity legislation will be adhered to?

Mr Sutherland: Yes, sir.

Mr Kormos: You'll ensure that?

Mr Sutherland: I will.

Mr Kormos: I'm pleased to hear that. Mind you, the Conservatives repealed the employment equity legislation and the similar legislation under the Police Services Act. I'm pleased to see that you will use your position on the board to give effect to them.

Now, the issue of punishment: What's the Progressive Conservative Party philosophy at it applies to punishment?

Mr Sutherland: I believe that the victim's rights have to be protected in the fact that more protection has to be given to the victims than has been in the past.

Mr Kormos: What's the policing role in that regard?

Mr Sutherland: I believe that, if I could just take a specific and revert it back to perhaps wife abuse, each police officer who is attending a particular situation as such has to make sure, just to take a simple thing that I would take as a normal thing to do, to ensure that they stay at the scene of the perpetrated crime, if you will, until such time as the premises are safe—you know, that type of thing.

Mr Kormos: Okay, thank you. I'm sure Ms Churley has some questions.

Ms Churley: I did want to pursue the question of wife abuse with you. The NDP government came out with a set of guidelines which I believe you seem to be somewhat familiar with, which heartens me.

I wanted to ask you a question around representation on police services boards. I don't know what yours will look like, if you should be appointed at the end of the day, but overall I will be bringing up with the government later on the fact that I have some concerns about representatives of women and other people who have a background specifically in working in shelters and specifically with battered women, women fleeing from domestic violence, women who are being stalked. I'm seeing that there's, in general, removal of these people by this government from the board. I'm certainly not asking you to comment on your views on what the government is doing. I am asking you to comment on your views as to how you would deal with that, if you should be sitting on your board and find that there may have been people whose background was in this area who have been removed and that there's nobody to replace them. Would that concern you and would you, as a board member, actively lobby or work with the government and your board to make sure that representation is there?

Mr Sutherland: Okay, let me answer the first part of that question with yes. The second part is that, to my understanding, if I am appointed as a replacement—not a replacement; there's a vacancy on the board of Amherstburg. I'm not displacing anyone, so we're not knocking a woman out of the chair, if that's what you're leading to or that's the intent of the question.

Ms Churley: I honestly am not sure in your case, but I know in other areas it's happening.

Mr Sutherland: All I can comment on is the position I'm applying for and am seeking wholeheartedly, and that is that there's a vacancy on the board. I know I can fill it. My qualifications, in all areas that I've touched on previously, I believe more than qualify me for this particular position. In speaking to the chair of the Amherstburg police services board, Darlene Labonte—I've not met the lady in person, but I have spoken to her on the phone—I asked her specific questions. Is there somebody who's taking on the Employment Equity Act

thing, wife assault things, the things that you have just mentioned. I understand that one of the board members I do know, Wayne Hurst, has championed that particular cause and I've already been invited to sit on his committee, should I be appointed. Yes, I'm very concerned about this and I will do something about it.

Ms Churley: Good. Do you believe, from your knowledge and reports that have been in the public lately, that there is systemic racism throughout the justice system? Do you have any views, if you believe that there may be problems there, on what should be done about it?

Mr Sutherland: There, again, I don't believe that this forum is for me to speculate on what is or is not, on the whole, in general. I can only relate to the position that I'm applying for and I don't believe there are any issues at this point in Amherstburg, that I know of anyhow.

Ms Churley: But that's something, in answer to a previous question by my colleague Mr Kormos, that I was pleased to hear that you have concerns and interest in. So given the fact that the government has repealed the Employment Equity Act and the employment equity act of the police act as well, how would you propose dealing with the need to make sure that there is equity and true representation on the police services board that actively and accurately represents the community?

Mr Sutherland: I hope my opening remarks covered that in general to a certain extent. My employer has an employment equity act also, and we comply. I'm a firm believer that it's okay to advertise and solicit applications from minorities when hiring and this type of thing. However, I am a firm believer that only someone who is properly qualified for the position should be the one who is hired, ultimately. That's the only way I can answer that question.

Ms Churley: Yes, I think we all believe in that. Obviously, there are disagreements on our legislation in terms of quotas or not. I say that there weren't quotas, that the act was very clear about hiring people who were best-qualified. The issue, of course, is the glass ceiling for women and the issue is around whether or not you can actually find a person from minorities who has the same or better qualifications and get them in the door. I think those are some of the concerns that you mentioned and that I'm getting at, that we have to take steps to make sure that people from racial minorities and women have the opportunity to get in the door and have an equal opportunity.

Mr Sutherland: Correct, and I agree with you on that.

Ms Churley: Good. Thank you.

The Vice-Chair: We'll move on to the government caucus.

Mr Bob Wood: You understand, sir, that the Employment Equity Act has been repealed.

Mr Sutherland: Yes, I do.

Mr Bob Wood: On the board, you would enforce the current policies of the government of Ontario with respect to human rights?

Mr Sutherland: Without question.

Mr Bob Wood: Thank you. Those are my questions.

Mr Preston: Mr Sutherland, you've answered most of my questions with your introductory statement.

Mr Sutherland: I hoped to.

1120

Mr Preston: You mentioned budgets, your work with budgets and financing. What challenges do you see in the community with regard to police service expenditures?

Mr Sutherland: Being as I'm not exactly privy at this point, because I haven't been appointed yet, I don't believe that I can speak exactly to dollars and cents, if you will, other than that I am aware that the police budget in Amherstburg is somewhere around $1.5 million annually. Whether that's too much, too low or whatever, I can't comment at this point. However, I do believe that with my past experience with my employer of having to set budgets annually, I will certainly lend whatever experience I have gained to the board in not only setting these budgets, but administering them on a proper basis.

Mr Preston: So there's not been any publicity regarding new buildings, too many police, not enough police, new cruisers?

Mr Sutherland: No. Well, as a matter of fact, there was a new cruiser purchased here in the not-too-distant past. Now, I can't tell you if it was a month ago or six months ago, but I do know, in talking to the chair of the Amherstburg police services board, that she did say that the car had to be replaced because it fell apart out somewhere. It may still be in a ditch; I don't know.

Mrs Ross: I don't know very much about Amherstburg, but can you tell me approximately what the population might be there?

Mr Sutherland: It's exactly 10,000—and maybe one, if we had a baby today.

Mrs Ross: The reason I asked is that in my community, with about 500,000 people in the region, we have what we call community-based policing. It's felt that community-based policing would provide greater visibility of police in the communities they're attached to. Personally, I think that community-based policing would work better in a community such as yours rather than in a community such as mine. Do you have any views on that?

Mr Sutherland: Not particularly. I'm all in favour of the best police force, no matter where it comes from, in the community in which I live. I might add that you mentioned that you don't know much about Amherstburg. Let me just say this: It's God's country. Please come and visit us.

Mrs Ross: Can I ask you if you think that as a member of the police services board, should you be appointed, part of your role would be to work with the police force in your area to provide greater visibility in the community?

Mr Sutherland: I'm glad you asked that question, because currently in my role as the sales manager for the Canadian Broadcasting Corp in southern Ontario I have embarked upon a national campaign that we've been running for—I believe this is the seventh year now. I'll just hold this up. I don't know if anyone can see it or not, but it's Extreme Attitudes Against Drunk Driving, and this is geared directly to the graduating students right across Canada. We've put this in place with the Canadian Broadcasting Corp. What I did in my area is I tied this in with the city police of Windsor. I hope to expand into Essex county with the thing next year and have them

involved so that they're more visible in this, because I really believe that drinking and driving is a big problem. If the young folks who are graduating today are not aware of the fact of what can happen, I think the police forces that are involved—and I'd like to believe that the police where I live are involved with the community at large, but I'm in favour of the more exposure that we can have of our police forces, the better. I like to live in a very safe community, and that's one of the reasons I'm applying for this board, so that I can help in whatever way I can contribute to my community.

The Vice-Chair: We'll now move on to the Liberal caucus.

Mr Crozier: Good morning, Mr Sutherland. We haven't had the opportunity to meet.

Mr Sutherland: Unfortunately, I would like to correct you: We have met.

Mr Crozier: Where was that?

Mr Sutherland: I believe you attended a meeting of the Save Our Sands Committee at the Verdi Club last summer of which I was one of the chairs.

Mr Kormos: So now you say, "Of course I remember you."

Mr Crozier: I was just testing him. Now that you've put me on the spot—

Mr Sutherland: Well, I figured I'd attack you before you do me.

Mr Crozier: I'm not here to attack you. No, sir. In fact, I'll concur with you that Amherstburg certainly is in God's country and I would invite them to come as well. How long have you lived in Amherstburg?

Mr Sutherland: It will be 10 years next month.

Mr Crozier: I see you do have a pretty extensive involvement in community affairs, but mostly in the city of Windsor. What is it that you've been involved in in Amherstburg?

Mr Sutherland: As I mentioned before, most recently in the Save Our Sands Committee, with the destruction that went on with the island there. I have been involved with the BIA, as I mentioned, and the chamber of commerce. I am a member of the Amherstburg Performing Arts. I'm involved in slow pitch, as far as playing baseball is concerned. I'm a very avid boater. I belong to the Sun Parlour boat club, which gets us out and into the community and what not. I just really feel that the involvement that I've had through my business dictates that I do it in Windsor for the most part. However, I live in Amherstburg and I want to do more there.

Mr Crozier: That's great. When you mention the Save Our Sands Committee, and I was there, although it was basically a federal issue, but I certainly was interested in it—it's an area that has been used for many years, as we all know, and I too wanted to see a resolution to that.

There was some suggestion that there may have even been a bit of civil disobedience in connection with that or at least a suggestion that they occupy the Sands and so forth. Did you agree with that?

Mr Sutherland: That was never the intent of the committee that I was a member of. Along with the chairman, Dick Malott, we strongly said to Mr Carl Gibb, the mayor of Malden township, that no one in any of the so-called civil whatevers was endorsed by the membership that I belong to. However, we were all a part of the flotilla of the 200 or 300 boats that made the parade with—

Mr Crozier: Yes. Oh, sure.

Mr Sutherland: I mean, the OPP were certainly aware of it. All it was was a demonstration to show that we in fact needed that beach back, but no one trespassed or whatever.

Mr Crozier: But the point was that there were some people there who suggested some civil disobedience. I just wanted to see how you felt about that.

Mr Sutherland: They were not part of our group. In any organization, you're going to find some vigilant whatevers, and they were not part of our group at all.

Mr Crozier: You mentioned in your objectives that you would put emphasis on the government's philosophy relating to crime and punishment, and then in answer to Mr Kormos you mentioned gun control. Are you in favour of gun control?

Mr Sutherland: As far as it goes to protect the police officers, yes.

Mr Crozier: As far as the federal legislation is concerned.

Mr Sutherland: I don't believe that I'm in a position to comment on federal policy at this level and I don't intend to. Suffice it to say—

Mr Crozier: With all due respect, Mr Sutherland, the police services board and the police in the town of Amherstburg are going to have to deal with guns and gun control. I was just interested to know how you felt about it.

Mr Sutherland: Okay. Fair question. Then I'll answer that. I'm in favour of gun control. I don't own a gun myself and I don't believe that anyone should own a gun unless they really have a need for it. I don't know what else I can say to that.

Mr Crozier: The Solicitor General, who in a sense is the real boss over the police services, has gone as far as going to Ottawa, being opposed to the gun control legislation. Yet, as Mr Kormos has pointed out, the Ontario Association of Chiefs of Police is in favour. So where does that leave you, do you think, as a member of the police services board?

Mr Sutherland: I'll take that as having been appointed, now that you say I'm a member of the police services board.

Mr Crozier: I'm sure we'll concur in your appointment.

Mr Sutherland: I will answer it in this way. I will do my utmost to carry out the policies that are set so that the police force of Amherstburg adheres to all of the policies and procedures.

Mr Crozier: But you will be setting policy in some areas.

Mr Sutherland: I presume that will be part of my role, yes.

Mr Crozier: Yes. Do you know where it is that you can influence policy?

Mr Sutherland: At this point I don't know if I could comment knowledgeably, no.

Mr Crozier: You mentioned budgets and control. Are you aware of the budget process as far as it's concerned

with police services boards, how it works, ie, between yourselves and town council?

Mr Sutherland: I'm not sure of the exact format, but it can't be altogether different from what I have to work with or any budget-setting process, in theory.

Mr Crozier: What I would suggest is that you as a police services board, with your chief, of course, will establish a budget that will then be presented to town council. Town council may not agree with that budget, ie, it may be too high. How would you feel about that?

Mr Sutherland: Number one, I believe that with Bill Gibb, the mayor of the town, being on the police services board, along with Tom Hamilton, who is a councillor, we would have had those discussions in the inner circle, if you will, on the police services board and those issues would have been solved before they went to town council, I would presume.

1130

Mr Crozier: You may be in for a surprise.

Mr Sutherland: I'm sure I will be, but I've got broad shoulders and I can take the heat.

Mr Crozier: I'm sure you have. What happens then is that the Ontario Civilian Commission on Police Services is actually the final word, so it isn't even anyone in the town of Amherstburg who has the final word on your police budget.

Mr Sutherland: You're correct, but I understand there is an appeal process that can be invoked or whatever.

Mr Crozier: Yes. In fact, the Association of Municipalities of Ontario has endorsed the idea that there should be a majority of elected town officials on a police services board, as opposed to the way it is now, where the majority is appointed. How do you feel about that balance?

Mr Sutherland: Because I have not been, as far as I know, appointed, I applied outside for a vacancy.

Mr Crozier: Yes, but you're a taxpayer.

Mr Sutherland: I'm a taxpayer. It really wouldn't matter personally to me, I don't think. I could be proved wrong in due course.

Mr Crozier: You don't think it'll make any difference that some people would think that the appointed majority is not as accountable as the elected minority on the police services board?

Mr Sutherland: I would certainly hope that a forum such as this would determine whether or not an appointee versus whatever would be qualified.

Mr Crozier: No, not qualifications. I think you're qualified. I'm asking you how you feel about the balance, where there is a majority of unelected appointees to a police services board as opposed to elected. As a taxpayer, you have no concern about that?

Mr Sutherland: I don't believe it to be an issue. Maybe it is.

Mr Crozier: I'm saying it is a bit of an issue in that the Association of Municipalities of Ontario, who are elected officials, feels that the majority on a police services board—in fact, there are some who even feel it should be a committee of council. Perhaps I could ask it that way: As a taxpayer, would you prefer that the police services board be made up of elected officials?

Mr Sutherland: Not necessarily.

Mr Crozier: Not necessarily. So you think there should be some appointed officials. For what reason?

Mr Sutherland: Being as I'm not an appointee, I don't think I can answer that question.

Mr Crozier: What we're trying to determine is, though, how you feel as an appointee. Let's assume that you are. You feel budget-setting and control are important, but what I'm getting at is that the town council, which sets the tax rate and collects the taxes, in the end doesn't have any control over it. I wonder how you feel about that as a taxpayer and as a probable appointee to the board.

Mr Sutherland: I thought that town council did have control over what the board recommends as a budget-setting process. Am I wrong in that?

Mr Crozier: No, I wouldn't say you're wrong. I'm just saying the process is that if the town council turns your budget down and you as a police services board insist on that budget, it then goes to the Ontario civilian commission, and the commission then will determine.

Mr Sutherland: Correct.

The Vice-Chair: Thank you very much, Mr Crozier and Mr Sutherland. Your time has come to an end.

Mr Crozier: Good to meet you again.

Mr Sutherland: My pleasure again.

The Vice-Chair: Thank you for coming forward today, Mr Sutherland. Your presence has been quite helpful.

Mr Sutherland: Thank you very much. Could I just close with one 12-second statement?

The Vice-Chair: Twelve seconds.

Mr Sutherland: On behalf of my employer, I would like to thank you for watching CBC television last night.

Ms Churley: Are you a salesman?

Mr Kormos: A sales manager.

NEILL ISCOE

Review of intended appointment, selected by government party: Neill Iscoe, intended appointee as professional member, Ontario Cancer Treatment and Research Foundation.

Mr Kormos: The final interview is Dr Iscoe. Dr Iscoe is here. Please, Chair, I want to apologize now to Dr Iscoe. The government called him before this committee. I've read his curriculum vitae. He's an outstanding member of the profession who is obviously and without any question qualified to serve in this position. He's a very busy person. There's no question about his qualifications. His application for the appointment was sent to the government by the chair of the Ontario Cancer Treatment and Research Foundation. I can't for the life of me understand why he was pulled out of what I'm sure is a very busy work schedule and brought down here.

I move that the committee dispense with an interview of Dr Iscoe, and I can indicate on my own behalf and on behalf of my colleague that we will be, of course, supporting enthusiastically his appointment. Why the government would ask him to come down here, in view of the purpose of this committee, beats me.

Mr Bob Wood: Mr Chair, there are certain issues we'd like to discuss with him and we propose to proceed with the hearing.

Mr Kormos: I put a motion out.

The Vice-Chair: There's a motion on the floor. Those in favour of dispensing, please raise their hand? Those opposed? The motion is lost. Dr Iscoe is our next interview. Would you come forward and make yourself comfortable. Does Dr Iscoe have an opening—

Dr Neill Iscoe: I do, Mr Chairman, if you'd be so kind.

The Vice-Chair: You have a maximum of five minutes for that. It comes out of the government caucus's time.

Dr Iscoe: First of all, I'd like to introduce my partner at the cancer society, Miss Penny Thomsen, who's the executive director of the Ontario division of the Canadian Cancer Society. I would like to send the regrets of Mr Jack Shapiro, chairman of the board of the Ontario Cancer Treatment and Research Foundation, who unfortunately had a conflict today and couldn't be present.

Mr Chairman, I would like to thank you and your committee for the opportunity to make a few remarks before answering any questions you may have.

I'm here before you as a nominee to the board of the Ontario Cancer Treatment and Research Foundation, and if approved would represent the concerns of the Ontario division of the Canadian Cancer Society. I'm also an employee of the Ontario Cancer Treatment and Research Foundation and work as a medical oncologist at the Toronto-Sunnybrook Regional Cancer Centre. The views I express today are meant to represent the Canadian Cancer Society, and at no time should they be interpreted as representing the Toronto-Sunnybrook Regional Cancer Centre, Sunnybrook Health Science Centre or the University of Toronto.

The Canadian Cancer Society is a national, community-based organization of volunteers whose mission is the eradication of cancer and the enhancement of the quality of life of people living with cancer. The activities resulting from this mission can be broadly grouped into research whose aim is the eradication of cancer, and programs designed to enhance the quality of life of people living with cancer.

This government should be aware that the Canadian Cancer society remains the single largest funder of cancer research in this country. Approximately $34 million of the $78 million it receives annually as charitable contributions from Canadians in all walks of life is forwarded to its research partner, the National Cancer Institute of Canada, in support of research. In total, the society has forwarded over half a billion dollars to the institute since it first invested in research in 1946.

The society's goal of enhancing the quality of life of people living with cancer is supported through its patient services programs, which provide peer support and transportation, and efforts to prevent cancer through tobacco control activities and the promotion of healthier lifestyles through public education.

Though I am a physician, the Canadian Cancer Society is not a medically driven group. We leave issues of therapy to the professionals. However, the society does have a role in promoting the views of professionals to the public as an educational activity.

In Ontario, the society depends on volunteers to fulfil its mission and counts itself fortunate to be able to rely on 130,000 Ontarians, ranging from the many residential canvassers, who spend perhaps five to 10 hours per year, to the division president, who spends up to 40 hours per month volunteering time in support of the mission.

The society is well aware of the pressures faced by governments today and is keen to take an active role in the reorganization of cancer care services. To this end, the society believes its long-standing relationship with the OCTRF will provide an effective springboard for the changes to come. More importantly, the missions of our two organizations are sufficiently similar that it is impossible to see how our objectives can differ.

Finally, I am reminded of the comments made by Dr Jacques Cantin, a past president of the Canadian Cancer Society, when he first became a society volunteer many years ago. He had responded to a patient's concerns and was reminded by this man, "Oh, I thought you worked for me." As volunteers in the society, we work for and advocate on behalf of the cancer patients of the present and the cancer patients of the future. The fact that this can be done as a member of the board of the senior cancer organization in the province can only assist in the attainment of our common goals.

Let me close by again thanking the committee for the opportunity to come before you. I would be pleased to answer any questions you have.

The Vice-Chair: We'll start the questioning in this round with the government side.

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Mr Leadston: Dr Iscoe, I personally appreciate the opportunity first of all to meet you and have an opportunity to ask you some questions. You certainly have a very impressive background and one that I strongly admire. I share some of the comments of my colleague in that I realize your time and energy are important in other areas, perhaps far more important than sitting here responding to questions. Nevertheless, I'd like to know the relationship between the Canadian Cancer Society and the Ontario Cancer Treatment and Research Foundation. Are they really essentially one and the same or can you enlighten me on that relationship?

Dr Iscoe: They're not even close to being one and the same. The Ontario Cancer Treatment and Research Foundation is governed by the Cancer Act as it's established by this Parliament. It may have charitable status in terms of being able to raise moneys and things of that nature. However, its mandate is to provide for treatment and services, research and education. The Cancer Society, which was established—what, about 60 years ago now?

Interjection.

Dr Iscoe: Yes, in 1938. It initially was established as a lay organization—and I emphasize that because that's very distinct from the way it's run in the United States—whose mission was to inform people about cancer in general, that early diagnosis might enhance people's chances, and I guess has evolved over time, some eight or 10 years later, into supporting research as an activity, and has continued to evolve, with tobacco control activities when the first Surgeon General's report came out, to branch out into areas where as a lay group, if you can

leverage people with small amounts of dollars to do large amounts of work, you might be able to do it with volunteers.

The organization is totally dependent on volunteers to do that, whereas the Ontario Cancer Treatment and Research Foundation uses paid employees and is only now looking at, if you will, support groups within its own organizations to enhance its activities as well. So the two are different. We have, as I said, common goals, and the extent to which we can move collectively together to those common goals can only enhance the objectives.

Mr Leadston: Is that an objective, to blend the two bodies?

Dr Iscoe: Speaking for the society, I would think not; from a perspective within the foundation, I would think not as well. I think there's benefit in keeping the identity separate, by far and away. The society is a national organization. It's basically a federation of the provincial divisions and territories, so it very much mirrors the Canadian federation as it exists.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): I'm interested in the foundation's funding. Would a lot of this, or any of it, be done through fund-raising campaigns?

Dr Iscoe: All of it? No, I shouldn't say all of it. The moneys come, as I said, through donations. The donations may come in the form of bequests, from people who die and leave moneys. They may or may not be cancer patients themselves. They may come in the form of donations in memoriam. In other words, at the time of death of a cancer patient sometimes people wish to donate or the family makes it known they wish, in lieu of flowers or the like, to donate to the cancer society. A good deal of it, and Penny can help me in this regard, comes from the sort of campaign that people think of in April, with the daffodils, where door-to-door canvassers go forth.

We're endeavouring to enhance our fund-raising capability. It's quite frankly been static over the last number of years and some of that relates to the fact that the economic times are tough; some of it relates to the fact that there's a competitive marketplace for the cancer research or cancer support dollar. We're not the only player. We were for umpteen decades, but we're not the only player now. It's our task, if you will, to make the society's activities more attractive to the donor than other groups' activities.

Mr Fox: So are you satisfied with the amount of money that you're getting at the present time? You never are; you could always use more.

Dr Iscoe: I'd never be satisfied.

Mr Fox: Percentagewise, would you come close?

Dr Iscoe: No. If you ask me, am I happy where we are right now, I'd be happy if we could keep up with the cost of inflation. We've been flat-lined for about five or six years. That poses immense problems for the research venture. For those of you who don't know, the National Cancer Institute of Canada has disbanded the Terry Fox support program for researchers and they've had to do so in order to support research projects. The funding for personnel as a support issue is dying in order to support the projects themselves. That's a reflection of the fact that there's a flat line that goes towards our research partner.

Mr Bob Wood: What's the number one thing you'd like to see happen at the foundation next year?

Dr Iscoe: Personally, and I suspect there will be opportunity for discussion at the foundation board, I think there must be a way at an operational level, not necessarily at the policy level the board deals with but at an operational level, that deals with day-to-day crunch issues that I face as a physician and a practitioner, about how we can allocate the dollars most effectively.

That body, however it's constituted, will have to have public input. I don't think it's appropriate for the medical community or the people who have some sort of status within the foundation or other bodies to take that unto themselves. The decisions, as I see them, are going to be nigh unto impossible without hurting somebody or having somebody believe they're being hurt. It's absolutely critical to have a public presence to focus the discussion and to bear witness to the process that takes place. The decisions that are going to be made are not going to be made cavalierly, but without a public presence there it may be perceived that they were made cavalierly.

The Vice-Chair: We'll now move to the Liberals.

Mr Gravelle: Good morning, Dr Iscoe. I certainly share the feelings that Mr Kormos mentioned earlier, and I did feel sort of guilty, thinking that you're an incredibly busy man, and obviously your résumé is more than impressive. But in that you're here, I may as well take the opportunity to ask you some questions, and please excuse me if they are not very well-informed, because like many people we operate with a superficial awareness and perhaps just a fear level in terms of knowledge of cancer itself.

There's a chart the legislative researcher managed to give us in terms of the types of cancer that occur and the numbers in Canada. There were certain cancers that were more frequent 20 years ago and there are certain cancers that are more frequent now. I guess the cure rate has changed a great deal in the last 20 years as well. Is a lot of it based on research, or is it based on prevention? That's one question. The other is, is it a simple question? I know one should be careful about using the word "cure," but is it your opinion that there would be a likelihood that the incidence of a number of cancers could go down were you to have a lot more funding?

Dr Iscoe: Thanks for the opportunity to try to address some of these questions. To deal with the first question, the issue of what constitutes research and new knowledge is fairly fundamental. You made the comment, is it an issue of research or prevention? I would submit to you that you can only prevent what you know is worthwhile to prevent. Smoking legislation and anti-tobacco control activities came about as a result of research that was started in the UK back in the late 1940s in a cohort of doctors that demonstrated quite clearly then, and it's remained true to this day, that people who smoked had a far greater mortality from a host of conditions. That was research. It translates into prevention activities. The issues of dietary habits and sun exposure are not as clear, although people believe that the information is consistent enough to act upon, so that translates into prevention

activities. It all comes from knowledge, and knowledge is only as good as the quality of the information you get, and that's basically a research issue.

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The second question was, if you put more money into the research pot, would you be further ahead? Yes, but if you ask me whether you'd be further ahead totally in cancer, I would answer that by saying that you'll be totally ahead in a lot of ways you wouldn't even have anticipated.

I have told people within the Ontario division board, many of whom are laypeople like yourselves, that you have a drug to break up clots after a heart attack because genetic engineering came on line. The only reason genetic engineering came on line is because somebody was interested in a gene problem. The only gene problem that really made a big difference to the public health issue is cancer.

Cancer research bears fruit in areas where you don't expect it. People have identified the gene for cystic fibrosis because of the same technologies. When people get into gene therapy now, the techniques are the same. Basic research will bear fruit in areas you don't anticipate, and some of the National Cancer Institute research offspring have nothing to do with cancer altogether.

Whether it will bear fruit in the cancers that have proved rather refractory or resistant to the types of things we've done to date, I can't judge that. I would be hopeful that we make advances by small increments, not generally by leaps and bounds. The question is, where do you put your efforts? You have to do it somewhere, and that's what the institute's for, to decide where they think the moneys would be best spent. I hope that's helpful.

Mr Gravelle: Absolutely. Canada, I understand, is one of the slower countries—perhaps that's the wrong phrasing, but certainly it takes the longest time to approve new drugs that can be of use for a number of cases. I'm thinking probably of 3TC right now for the AIDS virus in terms of the use in the US and in Canada, but there are other drugs as well. There is a longer process, it seems, in Canada than in many other countries. That's my understanding, and again it's a layman's understanding. Are you comfortable giving me an opinion on whether this is a good thing? I think one understands why there's a careful process in terms of approving new drugs for various therapies. I'm just curious as to your point of view.

Dr Iscoe: I think the process is totally appropriate. What we're talking about is a perceptual gap. When a new drug comes along it is portrayed as the best thing since sliced bread when in fact it's incremental and it's not necessarily the best thing since sliced bread. It may add months to people's lives; for a small percentage of people maybe it'll add a large number of months. If you came across something that was actually curative in a situation that was otherwise not curative, it wouldn't take long to approve it. It's when the information is at the margin where it takes some time and you've got to collect the pounds of information.

Mr Gravelle: Could I ask you one more thing that probably is somewhat contentious too? It's related to your previous comments in terms of prevention. We're obviously going through a time when the health care system is under a great deal of strain in terms of cost and how funds are used, and one aspect—this is actually in Bill 26—is the potential that people may be put in a position where they don't necessarily receive service because of their lifestyle habits. In other words, there's a correlation between smoking and various illnesses and a correlation between dietary habits and some other things. People may be told they cannot receive medical counsel because of their lifestyle habits. Do you have an opinion on that?

Dr Iscoe: Personally, yes, and as a society member, yes. That's totally indefensible—end of statement.

The Vice-Chair: We'll move to the NDP's time.

Ms Churley: I agree with my colleague and others that we very much support your appointment and don't necessarily need to question you about the foundation, although it's not as if we know everything about it—

Mr Kormos: Mind you, Doctor, my having made that statement could well have skewered you with the Tory members, and I apologize if that happens.

Dr Iscoe: I appreciate that.

Ms Churley: That's true. I'd like to let you know that the legislative research service gave us some background, which I took the opportunity to read, about the foundation. I must admit that I didn't know a whole lot about it before now.

I would like to follow up on the question asked by Mr Fox about funding. If I heard you correctly, what you said is that you've been flat-lined.

Dr Iscoe: The cancer society is flat-lined. I'm not adequately familiar with the budget of the foundation over the last number of years to be able to make a comment about that.

Ms Churley: I see, because of course you haven't received your appointment yet, so you can't comment on whether the foundation itself is getting adequate funding. But that is something I assume you'd have an interest in, in terms of making sure that you can do the job.

Dr Iscoe: The question relates to what constitutes adequate funding?

Ms Churley: Yes.

Dr Iscoe: You can always put money into more roads; the question is what constitutes an adequate level of road maintenance and road safety. At a certain point, it would reach the law of diminishing returns. It becomes a much more emotional issue, because you're talking about what people perceive are their lives in terms of whether the funding is adequate. But I would submit to you that you could raise the same issue with any area within the health care field. If you were to pour money into one area at the expense of another, I don't think the society would support that either.

Ms Churley: Do you have any ideas at this point, if you have to make some of these hard changes because of decreased funding, where your priorities would be?

Dr Iscoe: No. The priorities for me would be, as I stated earlier to Mr Wood, to try to establish a process with public input so that the public would be participants in the decisions at an operational level that says, "We'll do treatment A versus treatment B." I don't see that as an issue that a board can deal with usefully, because the boards don't meet as often as these issues come up and

because debates around these issues alone will consume the whole board's time, for one issue alone. I think some structure needs to be put in place, and as I said, with public participation.

Ms Churley: For the foundation now—or do you know?—is there some system in place that includes public participation?

Dr Iscoe: There are public members on the board, as I'm sure this committee is well aware, people who are meant to represent the public as opposed to other appointees because they may have some special skills in the business world or they're used to managing large organizations or the like; if you will, for want of a better way of putting it, people who are meant to represent grass roots. The foundation has done that. The local regional treatment centres within the foundation, to some degree or another, have all started that process so they have some grass-roots input and grass-roots participation in decisions that affect the lives of the people they serve, and I think that's to their credit.

The Vice-Chair: Thank you very much. Those are our questions for today. We appreciate your coming forward this morning. Your presence here has been very helpful.

That's it for this morning, ladies and gentlemen. We'll be back this afternoon at 2 o'clock, starting sharp on the hour. Those who are on the subcommittee will have a brief meeting now.

The committee recessed from 1158 to 1407.

JEFFREY TWINN

Review of intended appointment, selected by opposition party: Jeffrey Twinn, intended appointee as member, Pesticides Advisory Committee.

The Vice-Chair: Good afternoon, ladies and gentlemen. We'll kick off the afternoon's activities by inviting Mr Jeffrey Twinn, an intended appointee as member of the Pesticides Advisory Committee. Each caucus gets 10 minutes. If Mr Twinn wants to make an opening statement, he's more than welcome to do that, and that will come out of the government caucus's 10 minutes.

Mr Jeffrey Twinn: First of all, I came from Ottawa this morning, and it's the first time I've seen grass since Halloween. We had another six inches last night.

To give a little background on myself, my family is three generations in the pest control business. Actually, my grandfather was one of the leading entomologists with Agriculture Canada. He was a doctor of entomology, and he pioneered black fly and mosquito control in Canada at the time we had encephalitis and malaria outbreaks. Then into the 1940s, 1950s, 1960s and 1970s, my father and brother were involved with it as well.

In the 1980s, I got involved with it, and I've taken it one step further: I've put it on to an environmental edge. I have, since 1988, developed an allergy to a product called chloropyrophos, which is also known as Dursban. I knew if I was to stay in the industry I had to change my whole approach.

In 1990, we took the largest board of education in the Ottawa-Carleton area, which was then spraying schools—I saw protests and everything—and I said: "Give me six months. We won't charge you. Let's try some alternative methods." Since then we've been able to get away from chemical applications in the school boards, and I do virtually every school board now in Ottawa-Carleton.

We do one of the hospitals as well now on the pesticide alternative program. I also teach the pesticide licensing course for the Ministry of the Environment at Algonquin College. I haven't this year, but I have in past years. I also consult for the school boards, hospitals, Algonquin College as well, on pest control problems. During the past two years, I've been an active member on the board of directors of the Ontario Pest Control Association. As well, I'm involved with the Canadian Pest Control Association in trying to get new environment-friendly products brought into Canada from the US that are currently backlogged in registration procedures.

The reason I feel I would be a good candidate for this type of position is that I really see the end use of all the products that come into this province. I see them from the time they're introduced to the time they're brought down to our level, which is application, or the consumer.

The pest control industry currently across the country is a $100-million industry, which protects billions of dollars in commodities, health and safety, and of course food products. We provide a very necessary service in the pest control industry. I think we're starting to move away from the 1950s and the 1960s where we were using the harsher chemicals. What we need is a little more access to the amazing products coming out of the United States now, which are getting away from the chemical applications and going into other things like funguses, which attack insects and break them down, insect growth regulators, which are hormones that only attack the insects but have very little effect on mammals.

Those are the areas I'm interested in and I have really taken an interest in trying to take the expertise I've gained over the years and bring it to this committee as somebody who sees where the industry's going over the next 10 years. Thank you.

The Vice-Chair: Thank you very much. We'll start the questioning with the Liberal caucus.

Mr Crozier: Good afternoon, Mr Twinn, and thank you for coming. I'm going to briefly read from some information that's been given to us by research and then I'd like your comments. It has to do with the role that's played federally and how we play the role provincially.

It says, provincially, under the Pesticides Act, the advisory committee reviews the act and its regulations, of course, but, "In addition, the committee recommends classifications for all new federally registered pesticide products before they are sold, stored or used in Ontario; administers and evaluates the results of a research program on pesticides; and publishes an annual report."

On pesticide regulation in Canada, it says it's divided between the federal and provincial governments. "In general terms, the federal government is responsible for registration, classification and labelling, while provincial governments regulate the storage, sale and use...."

The problem, as it's seen in the agricultural community I come from, with this long bureaucratic process we go through—as a layperson I would ask, if the government of Canada says it's okay, why do we go through what we

do in the province of Ontario before it can be used in agriculture? I'm speaking of agriculture specifically.

Mr Twinn: I've always had a passion for streamlining. I think the main necessity for what the Ontario Ministry of Environment does is that it regulates the application and use of products. As far as scheduling products into the province, that has been delayed and our association has complained about that as well. Quebec will get products six months in advance of us because of the delay of scheduling.

In a lot of cases it is duplicated, because Health Canada, which does the registrations, has a recommended scheduling of the product already when it comes out. A classic example of that is a product called Demon, which is cypermethrin; it's organic. Quebec scheduled it as a class 3 pesticide, which means it can be used by somebody who isn't as qualified as a schedule 2. Schedule 2 is a restricted product that is for licensed applicators only. Yet Diazinon, Dursban, a whole host of them are schedule 3 because they were registered years ago. In that case, I think the scheduling should be taken off them by recommendation of the feds, who have taken the EPA recommendations and put it into the Health Canada ones. Plus, in Canada we have the advantage of doing dual testing.

Mr Crozier: Are you familiar with an insecticide called Admire?

Mr Twinn: I know it's an agricultural insecticide. I'm not familiar with the trade name, though, as to the active ingredient.

Mr Crozier: The active ingredient—and I probably won't be able to pronounce this—is imidacloprid. I want to give the committee an example of our concern with this long, bureaucratic system we have to go through. For example, this was registered for emergency use last year on potatoes, and we're not sure whether they've given it the full-blown go-ahead yet, and now tomato growers want it. It's to get rid of a little bug. I wondered if you were familiar with it.

Mr Twinn: I'm familiar with the situation. They get a limited-use registration from Health Canada. The problem is more or less at the federal level, which will allow a product to be brought in on a limited-use registration in any type of circumstance, if it can be shown that it's for that one purpose at that one time of year or whatever.

The other end of the problem is that the company that's selling it to you for that limited-use registration is down in the US, and they say: "Canada's got a population of about half of California, and it's going to cost us $30 million or $40 million to register this label. We don't think it's feasible for us to do that in Canada because we can go sell it in California and not have to pay the extra money."

Most of the problem, we have always found, is at the federal level, not the provincial. The provincial is quite quick to get the product out. I attended a seminar with Health Canada last November where we talked to the person in charge of registering these products, and they've assured us that streamlining will be coming; of course, they assured us that last year. But they said they are streamlining it now so they can take applications from the US and they're not going to be duplicating the tests that have already been made by the EPA in the US. That's where everything was bogged down.

Mr Crozier: You've kind of hit the nail on the head. Do you feel that in your position on the advisory committee at a provincial level you could actively promote this streamlining? Would you do that? Do you see where you could do that?

Mr Twinn: One of my goals is to do that. I was talking to one of the people from the Pesticides Advisory Committee. They said they were discussing having a meeting in July in Ottawa, their monthly meeting in Ottawa at Health Canada, at the pesticide registration. That's a big step right there in trying to pressure the government.

It was Agriculture Canada; they moved it into Health Canada, because they were both responsible for registering, and then it went into Health Canada where it sort of sat on the back shelf for the last eight months while they've been trying to rearrange their bureaucracy to get it going. They assured us it'll only take two to four years now to get a product registered.

Mr Crozier: What happens is that to some extent, I assume, the pesticides are used in the United States. They ship the product into Canada. To what degree do we regulate that? Or is it simply that a product gets used down there and we eat it, but we can't use it here because it isn't registered yet?

Mr Twinn: You mean if they're spraying the oranges with ethylene dibromide, it's not registered in Canada, but it's still used in the States?

Mr Crozier: Yes.

Mr Twinn: It's really hard. I mean, where do we start? Tobacco is one of the major sources of taking DDT into your body; when you ignite a cigarette, you are actually inhaling the DDT into your lungs and it deposits into your fat cells and sits there. Third World countries use DDT on tobacco crops and everything else, and every time you lose weight that DDT goes into your blood. Where do we start? Do we start with tobacco and say, "We won't bring in tobacco, so that really limits it"? Then we go with fresh fruits like oranges and apples and peaches, and it just goes on and on.

1420

The world uses far too many chemicals. A lot of the stuff coming out of the US now is far superior. Their research is probably 20 years ahead of ours in pesticides, the stuff they've come out with. Purdue University has done a marvellous job in bringing out new, safe, organic products and everything else. We have to get our federal government up to speed to bring these products to us so we can register them for use in Ontario. Then maybe down the road we can look at products coming from the Third World. Tobacco from Mexico is full of DDT.

Mr Crozier: I'm certainly counting on you to do that from the provincial standpoint. I have no problem whatsoever in getting after that doggone federal government and its bureaucracy to do this. I'm glad to hear that's the approach you would take.

Mr Twinn: Thank you.

The Vice-Chair: It's now the NDP's time.

Ms Churley: I'm going to come at this from the environmental perspective, which is a slightly different perspective from my colleague from the Liberal Party, but I'm sure he would agree that these are very valid questions.

Vis-à-vis the concerns around competitiveness in the agricultural business, I understand that the issues raised are extremely important ones. But on the other side of the coin, it's interesting that this morning we had somebody who has been appointed to the Ontario Cancer Treatment and Research Foundation. We didn't go into a lot of details about the many assumed causes of cancer and proven causes of cancer, but we do have some information about some pesticides—some more dangerous than others—being harmful to human health, including that in some cases they can cause cancer.

I understand that one of the roles of the Pesticides Advisory Committee is to help protect the health of Ontarians, that you can go beyond the federal regulatory structure. It's my understanding that we do have in some cases more stringent controls than perhaps in other provinces.

Mr Twinn: We do.

Ms Churley: I thought so. That brings up the whole question around competitiveness, when we have that problem and the issue you brought up about the kind of chemicals on fruits and vegetables from Mexico. I know that's a big, difficult issue to resolve but I'm really strongly in support and favour of limiting, to the extent we can, pesticide use that can be harmful to human health, also in areas beyond agriculture, in domestic uses: lawns and, in cities, on urban ways.

Having laid a little groundwork, I would like you to expand a bit on what you said in your introduction, which I was very pleased to hear: the work you have done on alternative methods. Do you have any idea of where we're going with that in Ontario, what kind of input you could provide, and how you see the balance between the two, given the problems being discussed here today?

Mr Twinn: First of all, just to correct, I didn't say I didn't like the provincial waiting period over the federal; it is a good place for second thought. But another purpose of the committee is research, publications which help our industry, help the lawn care industry, help the agricultural industry. It plays a very important role in that.

What have I done to this point in the industry myself? We had pioneered schools that had environmentally sensitive children in certain schools where they had cockroaches. Of course, that's sort of the curse of mankind: Two roaches make 100,000 roaches a year, and a misapplication of a chemical will only get rid of 90% of them, and then 30 days later you have the whole population built back plus 10% more. They carry disease and everything else. So we had to look at alternatives. We've used roach baits, we've used monitors, lures, everything possible, and we've been able to get rid of them where the sanitation's high and everything on those levels, rather than rush in and just start to spray.

The most important thing we found was monitoring. In all our accounts and all the lecturing I do it's so important that you monitor so that when the first evidence of an infestation of any insect is found—whether it's agriculture, because you can use integrated pest management in agriculture, you can use flying lure traps and everything else. When those insects first appear, that's the time an application may be needed, or, in this case, using alternative methods. They're easy to control at the beginning. It's when you walk into a situation where the building's moving or the field is gone already that you have a problem. There are more insects per square acre in the planet than there are people.

Ms Churley: That's an interesting fact.

Mr Twinn: Yes, and insects are our main competitor for food source on the planet. When they originally brought out pesticide, the reason they did this was the fact that they needed famine control. Today we have methods other than just the pesticides.

In answering your question, "Where do you see it moving in the next 10 years?" the Ontario Pest Control Association, that I'm with, is doing update training things across the province for all the people in the association. Landscape Ontario is doing the same thing. They're trying to get away from the chemical dependencies. There's a guy right now in Waterloo who's pioneered a new way to do lawn care; it's excellent. It's called Total Plant Health Care. It's excellent. The other organic methods were never proven to work. His method works. So we can look forward to seeing that coming over the next few years.

Ms Churley: So you seem to even be excited about looking at some of these alternative, non-pesticide chemicals.

Mr Twinn: Well, I have two kids in school and they have to grow up and eat out of the food chain as well, and I'm a sufferer of pesticide allergies. I have very little tolerance to organophosphates, which is the main chemical in lawn care for chinch-bug and it's also a main product to use for cockroaches and other things.

Ms Churley: Do you have any contact, in your present capacity, and do you work with environmental groups who are specifically working in this area, and what kind of relationship do you have?

Mr Twinn: No. They drag me out of the cupboard every time they do pesticide debate talks, though, for the municipal councils up in Ottawa. So that's the only time that I really have any exposure to that.

Ms Churley: I think my colleague has a question.

Mr Kormos: Around five minutes, according to my watch.

The Vice-Chair: You've got about four minutes.

Mr Kormos: Thank you, Chair. We'll defer to your watch.

Thank you, kindly. I think everybody here is pretty impressed with what you've come up with. Had you ever applied for a BAC—boards, agencies, commissions—appointment before?

Mr Twinn: No, I haven't.

Mr Kormos: What happened in your life that prompted your application for this position?

Mr Twinn: Our company has grown significantly over the last 15 years. I have the luxury of having since last

spring two new employees. I decided to start teaching and do other things. That's what the motivating factor was.

Mr Kormos: You were clearly aware of the board.

Mr Twinn: Oh, that's part of what we teach. OPAC is one of the few actual committees that is right in an act; it's in the Pesticides Act.

Mr Kormos: You see, I suppose I should cut to the chase, because I haven't got too much time left. Our job here, among other things, is to find out all the Tory hacks that the government is appointing.

Ms Churley: "Are you a Tory hack?" Is that what you're saying?

Mr Kormos: Not that the last government was particularly good at patronage; I mean, I think we appointed more Liberals and Tories than we did New Democrats, and there's a whole lot of angry ones out there in our ridings. There's nothing wrong with patronage as long as it's competent people. Now, there were a couple of stinkers here already today. You fortunately, to your credit, are not in that group of Tory hack stinkers. Let's cut to the chase. Is your MPP a Tory? Did you vote for him and support him and that's how you picked up this plum position that pays so much?

Mr Twinn: My MPP is Jean-Marc Lalonde. I live in Prescott-Russell. He's a Liberal.

Mr Kormos: I'm sorry. I hope I didn't screw you up now.

Mr Bob Wood: All right, that's the end.

Interjections: Next.

Mr Kormos: Go ahead.

Mr Twinn: Did I vote for him and everything? Well, I'm not going to mention that.

Mr Kormos: I'm not going to ask you how you voted. Did you actively campaign for a Tory candidate, contribute money? That's public record.

Mr Twinn: I did not contribute money. I did, with Pierre Leduc's campaign for the PCs in Prescott-Russell—he came to me and asked me to consult, because we are an agricultural riding, on crop protection. And that's what I did.

Mr Kormos: If the Tories would appoint more people like you, the boards, agencies and commissions would be in a hell of a lot better shape, instead of some of those stinker hacks that you brought before us this morning. Thank you, sir.

Mr Preston: If he agrees with you, sir, you must have something to hide.

Mr Twinn: Oh, no. What have I done?

The Vice-Chair: You still have a minute and a half left, Mr Kormos.

Mr Kormos: Ms Churley may want to talk to this gentleman.

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Ms Churley: I already did, but I wanted to make sure my colleague had time for his very important, urgent question: "Are you a Tory hack?"

Mr Kormos: I didn't have to ask it, because we can tell which ones are the Tories hacks. They're the incompetent ones.

Ms Churley: I wanted to ask you a direct question. Would you consider yourself to be an environmentalist?

Mr Twinn: An "environmentalist." That's an interesting term, and it's a loaded question.

Ms Churley: I'm not asking you if you're a feminist, now. That's really loaded. That's next.

Mr Twinn: I think I'm a realist. Often environmentalists, as you put the term, live on—the left side? No. They often live in a reality that isn't there. Industry doesn't see them, unfortunately. I think I'm a realist. I think I can exist within a framework and change the system so that it would become environmentally friendly at a practical cost, and that's the reality of it.

The reality of it is that Greenpeace has been protesting the nuclear testing in the South Pacific and nothing has happened. So the reality is, you've got work with the system that's there. So I guess I'm a realist, and I want my kids to grow up in an environment that isn't going to have pesticides.

Ms Churley: So not withstanding your realist view of what environmentalism is all about, because of your kids and your own allergies, you're certainly not averse to working with the government, and indeed perhaps pushing the government, if you know of the existence of pesticides where there is evidence that it causes harm to human health. What I'm trying to get at it is, I'd like to know that I can count on you to fight for the health of the people of Ontario.

Mr Twinn: Absolutely. But you've got remember that pesticides also—

The Vice-Chair: Your time is up. We need to move on to the Conservative caucus. Maybe they'll ask you the same question; who knows? But you have about six and a half minutes left.

Mr Leadston: You obviously have a very impressive background and involvement, and certainly you're eloquent in speaking to the subject, because it's very enlightening to myself and I'm sure to everyone in this room. What would you see as the major purpose of the advisory board, in terms of being there? What would be your focus? Is there any one particular area that you would concentrate on?

Mr Twinn: I think one thing that we'd be looking at is the streamlining to get products in. There's always a need. Why I was stating there are more insects per square acre than there are people is there will always be a need for some measure of control. The streamlining of the system; research is very important. I think that's the way to the future with chemical controls. As the earth reaches six billion people, if we don't have a handle on the bugs, we're going to have mass famine. So these are things that are coming. Global warming could offset so we'll actually need more chemicals to offset the fact that certain insects will thrive better, and they will adapt to global warming; we may not.

I'd see research as being the main one. I would see helping maybe in education as well, which is the licensing part of it. That's another focus. Of course, the other important thing too is trying to make the act and regulations a little different than it is, I hope over the next few years, because that act was written 25 years ago.

Mr Leadston: Just a supplementary. As a country, we do import a great abundance of produce and consumable goods—I don't mean automobiles and tires and things

like that. But what role would the advisory group play with Third World countries? You spoke of Mexico with tobacco and other parts of the world that foodstuffs are being imported from and we're consuming. What role would that advisory group play?

Mr Twinn: In bringing in these products? I think what it is is that we are limited on how much power the province really has. It's the feds who will—all we can do is recommend and say, "Whoa, look what's in our tobacco" or "Look, ethylene dibromide in our oranges" or something like this, so that it is public knowledge, because you just can't stop the flood of this stuff that comes in. I don't think it's practical. I think what we have to do is, again, the education, to inform the consumer that these products are in this, and you eat them or you smoke them or whatever you're doing with them at your own risk. I think that's part of what I was talking about, the education of it.

Mr Leadston: Is DDT widely used throughout the Third World countries?

Mr Twinn: It still is, yes.

Mr Fox: As a user of pesticides and insecticides—and you did say the US is 20 years ahead of us in research—the US standards don't qualify in Ontario without provincial review, yet we eat the US produce six months of the year. I have a problem with this. As far as the Ontario Pesticides Advisory Committee, it's duplication with the feds. The thing is, other provinces could be duplicating too and also doing the same research that we're doing here in Ontario. So my strong feeling is we don't need this in Ontario. We should put our efforts into a federal program, and you'd be part of that. Comment?

Mr Twinn: First of all, yes. Am I doing myself out of a job here? What you say is true. I'm sorry, it is. I agree. We're not talking here about second schools of thought and everything else; we're talking about keeping up. The chemical industry is changing, not quite as fast but almost as fast as the computer industry. What we knew about a product two years ago isn't true today. Products available are coming in so quickly. Bureaucracies slow that down. They take all that information that's old now and we debate it too long, and by then who knows where the usage went? That's the other problem.

Streamlining is very important. The EPA—it takes about two or three years to get a product into the US. That's because they really do streamline them through. We have one extra test in Canada. We do what's called efficacy testing, which means that the product must do what the label says it does, which I fully agree on. We can take their health and safety data, but we should at least have the efficacy data. The label should do what it says it does.

But what we do, what goes on at the federal level, is horrible. If the application is written wrong, they don't respond, and six months later they're there saying, "How come we never got a response?" "Well, you didn't sign this part of the application" or "Oh, gee, sorry, there was a typo so we threw it out." This is true. This is what goes on there. It's completely non-user-friendly, and I think that's why streamlining is really important.

Mr Fox: The biggest sticker to US chemicals is the fact that they're in US measurements and we're in metric and we're not allowed to bring them across the border on that base. The other problem is that's got to be corrected here, because we could have a bootleg system out there; that's got to be controlled.

Mr Twinn: In agriculture, there is. I think another area of concern that nobody's really aware of as well is that the lawn care and the structural pest control industries only use about 11% or 12% of the total pesticides used in Ontario. Over 50% is used by the homeowner, and the rest is agriculture. So the homeowner uses the majority of it, the neighbour who stands out there in the sandals and the shorts and sprays the lawn in the high wind drifts, and my kid's running across it because there are no signs.

I think those are things we can address, because in Ontario we're responsible for enforcement regulations. In BC, you cannot walk in and just buy Killex. You have to walk to the back, and you get a lesson on what's on the label and what you have to do and when it can be done. In Ontario, we don't have that yet. You can go to Canadian Tire and just pick up whatever you want.

The Vice-Chair: Thank you very much, Mr Twinn. We are appreciative of your effort to get here today, and your being here has been helpful.

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GRAHAME BASKERVILLE

Review of intended appointment, selected by the third party: Grahame Baskerville, intended appointee as member, Regional Municipality of Ottawa-Carleton Police Services Board.

The Chair: Next on the list this afternoon is Mr Grahame Baskerville. Mr Baskerville, please make yourself comfortable. I believe you were going to make an opening statement; that will come out of the Conservative caucus's time.

Mr Grahame Baskerville: I thought I'd just give a little résumé of who I am and what I've done and how I feel I bring some talents to this position in the Ottawa-Carleton police services board.

I've been employed for the past five years as a senior audit officer in the management audit division of the Department of National Defence. Prior to that time I completed 34 years in both the regular and reserve components of the Canadian Forces. This service included integrated exchange positions with two foreign governments as well as a variety of positions as an operations and as a staff officer. I have represented these countries as well as Canada at international meetings, committees and conferences, where I believe I developed negotiating and diplomatic skills which will be apropos to the position I'm being reviewed for.

Also in my terms in the service, and particularly as the commanding officer of a major militia unit, I've been responsible for the planning and conduct of training, all aspects of administration, recruiting of personnel, and the financial management of a significant pay budget.

In previous Canadian Forces and public service employment I've gained experience in general management, human resource management, project management, organizational analysis, policy development, budgeting and financial control. My previous employment, as well

as my post-graduate training in operations research, has allowed me to develop skills that are related to the review and analysis of organizations and their practices and procedures, budget analysis, analysis and development of policies and procedures, all of which I believe will allow me to contribute to the proceedings of the board and to carry out my responsibility as a member of the Ottawa-Carleton police services board.

I believe I will bring to the police board an approach that is pragmatic, which will allow me, with other members of the board, to make decisions based on the logical presentation of facts and evidence. I believe my past experience will allow me to quickly understand and become familiar with the operations of the police force and to identify the top priority areas.

I will be looking forward to fostering the amalgamation process of the previous separate police services and to identifying, along with the chief of police and members of the board, areas in which efficiencies and economy can be realized, yet still maintaining the effectiveness of the police service in these times of fiscal restraint.

The Vice-Chair: Thank you very much, Mr Baskerville. We will start the questioning with the New Democrats.

Mr Kormos: There's a couple of areas, sir, I've got to tell you, that are of some concern, and please tell us whether you've been quoted correctly at all. One is a newspaper report where you're written as having said that "The police service is a parallel structure to the military." I appreciate your military background and the experience that one acquires there. My sense, from speaking with police associations, is that there is great pleasure among police officers at a drift away from the traditional paramilitary structure of the police force. Are you pleased with that drift, and how do you reconcile that then with the reference to the parallel structure to the military?

Mr Baskerville: What I was quoted was, I was asked by the press what I brought to it, and they asked me about my military experience. I pointed out there is a parallel structure in that the police have operations which are similar to what—you have a command and control element so you can control police operations. That is parallel. The police force has to recruit, to have standards of recruitment and training. Those again are very much related to the activities that take place in the military. There is a hierarchy, because there are sergeants who are responsible for beats and patrol areas, there are inspectors, so there is a supervisory level which parallels that of many organizations, not just military but many businesses, what have you. So there is that structure.

So I was saying that in terms of my military experience and the knowledge of how operations work and how command and control works and some of the skills that police officers need, this parallelism, if you want, would allow me to have an appreciation and perhaps a good understanding of what police officers are required to do and how they could be assisted in carrying out their responsibilities.

Mr Kormos: Of course, police forces aren't unionized but police associations have, over the recent past, become more and more akin to unions, speaking out clearly on behalf of their membership. Although Ottawa-Carleton may not be cited as a very specific example, certainly in Toronto we've seen worker actions taken in protest of unpopular or unfair, perceived as unfair, decisions by supervision. What's your sense of the role of police associations and the rights of police officers vis-à-vis this, granted, model of hierarchy of command?

Mr Baskerville: You say they are not a union. Yes, they're probably not legally such but they function as such and represent the interests of police officers as a whole. The police services board has the role of negotiating with the associations in terms of remuneration and the contracts that they have. You were saying, how do I see them fitting in with a hierarchical situation?

Mr Kormos: Yes. Is there a conflict there, in your view?

Mr Baskerville: I see no conflict if there's good communications between the—I hate to use the term "command level," but perhaps between the supervisory or executive level of the police service and the board. If there are good relations, if there's good understanding, then it's not becoming hierarchical, in the sense that it becomes part of negotiating, on communicating with them to identify their concerns and to address them in a pragmatic approach so that we can give the people the protection the citizens want.

I would say, with respect to this hierarchical structure, when you are in a police situation where there is an emergency or something goes on, then yes, it's very definitely hierarchical and it is a command. An inspector of police or a sergeant of police will give instructions to police constables and expect them to be carried out, because that is what has to happen when operations are ongoing and you are trying to apprehend criminals, or things of this nature.

Mr Kormos: You understand, I'm sure, that the government may have illegally terminated the four police services board members after the Hydro decision and there have certainly been reports of pending litigation.

Mr Baskerville: I was made aware of that in the press when in fact my name was announced.

Mr Kormos: Quite right. Are you prepared to defer your appointment until these people have served out their term, if indeed they were, as it appears to be, illegally fired and the government is forced to reinstate them to the police board?

Mr Baskerville: I believe the process is that they are order-in-council appointments, and my understanding of our constitutional system of government is that they are at the pleasure of Her Majesty, and therefore Her Majesty's or Her Majesty's government's wishes, to terminate or appoint. That is at the option of the government and therefore I have no particular comment to make on that.

Mr Kormos: Fair enough. You also have been quoted as saying that the makeup of the police force should reflect the community, and again, granted, it's a brief quote in the paper and a brief reference, but you don't appear gung-ho about visible-minority and women police officers.

Mr Baskerville: That is not true. I was asked what I thought about hiring minorities and so on and I made the statement, and you obviously have a quote there.

Mr Kormos: "'Ideally, police should reflect the community, but there are other parameters,' he said."

Mr Baskerville: That is right. First of all I'll state that I believe what I said is true and hence I believe that women, aboriginals, visible minorities should be recruited into the force and have the opportunity for career advancement. I believe that policies and practice for recruiting and employment should be inclusive and improve opportunities for underrepresented groups.

However, I do not believe that ethnicity or gender should outweigh knowledge, skills and abilities. To that end, I do not support the use of rigid quotas. I don't support the hiring of unqualified persons. I don't support the lowering of standards and waiving consideration of merit or giving preferential treatment.

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Ms Churley: Just to follow up on that, it's an area of great concern to me. I agree with what you just said in terms of how hiring should be done by merit. But one of the problems that we found, that certainly our government found—and the employment equity has been removed as we envisioned it and there's nothing in its place now—is that there are a lot of qualified people out there among women and racial minorities. The problem we saw is that there were difficulties and impediments to those people getting their foot in the door to prove that they might be the best candidate, or in fact they have different cultural ways of expressing themselves or whatever so are sometimes misunderstood.

So I think we agree to the end we want, to see the best people hired, but maybe we disagree about the method. I'd like to know how you would envision making sure that those racial minorities and women are represented to reflect their community, your community. It absolutely is very important to the police themselves to have minorities within, say, my community, which has Chinese- and Vietnamese-speaking people. The police need these people to be able to work with them in those communities, so how would you see doing that?

Mr Baskerville: It's a very valid question. I would like to start by saying that in my present position—I'm in the federal public service—I'm a member of an employment equity advisory group within our particular organization and I am very familiar with how the federal government act applies to federal government employees. Taking a page from their notes, I believe what we are into is an education process of all members of the police force, especially those at managerial levels. We have to reduce barriers. We have to also go out to the communities and promote the idea that "Yes, we want you people; if you're qualified and meet the standards, we want you in the police services."

When I lived in Toronto a number of years ago, there were problems here of getting members of the oriental community to even step forward. I understand they've taken quite a bit of action and even at one point got people on loan from the Hong Kong police services and so on because they had a problem. But there was not, as I understand, at the time any particular desire for members who were oriental to join the police service, so there has to be a multilevel approach.

We have to get the message out that we're looking for good people from these groups and also the management of the police force has to be prepared to eliminate barriers for their recruitment and their promotion and advancement. So it's education, essentially.

Ms Churley: I only have 20 seconds left. Would you support having a gender balance and a real balance of backgrounds on the police services board in Ottawa-Carleton, and would you work for that?

Mr Baskerville: On the police services board?

Ms Churley: On the board itself.

Mr Baskerville: First of all, I'm not responsible for putting nominations forward.

Ms Churley: Absolutely not. That's not my question. But would you as a board member—

Mr Baskerville: Put it this way: I can work with members of all sorts of groups. I've done so in my military experience. I've done it in the public service, whether they're women, ethnic groups, what have you. I have no problems. It is somebody else's decision who they want on a particular board, and I would look forward to—if there are members on a board who are women or of an ethnic background, I have no problem working with them. I won't say, again coming back, who is best for the job.

Ms Churley: I wish I had more time to follow up on that.

The Vice-Chair: Thank you very much. We'll now move along to the Conservative caucus.

Mr John Hastings (Etobicoke-Rexdale): Mr Baskerville, I'd like to hear from you regarding your sense of innovation as a priority in serving on the police commission in Ottawa-Carleton. I would imagine that budgets will be severely declining there, and in most police organizations today a large number of our cops aren't on the beat, they aren't involved in front-line activities. Unfortunately, in many instances they are captives of administrative systems that require a lot of paper being pushed through to get convictions etc.

I'd like to know specifically how you would use your background from national defence to reduce the amount of paperwork and to get the few cops we have left in our organizations out into the community. Do you have specific suggestions in that regard?

Mr Baskerville: I don't have specific suggestions line by line, but I know what I will be looking at. In fact, Chief Ford phoned me on Monday asking if I needed some information, and had I received copies of their most recent budget submission? I spoke with him and I raised my concerns about exactly what you said. He said they are taking actions, in many ways, of considering special constables to take over some of the roles, civilianizing some positions, which in effect reduces the wage cost because the most costly part is the—I wouldn't say the highest salary, but the incrementally higher salaries that a police constable has compared to a special constable or a civilian employee. Those are areas that I would look at. I would want to see the process of how work is done. Perhaps I can bring my background to get in and sort of do a management consulting type of survey in particular areas to identify how we can release people.

For instance, we talked about the mini-police station, community policing, and that's one part of it, and community policing is not just these mini-police stations. There are other things. How cost-effective is it to have a first-class constable sitting behind a counter phoning people, distributing pamphlets and so on? The work has to be done and it's part of that communication with the community, but there is an area that again we should look at. It was in the budget submission by the chief of police that these are areas they're going to look at. I would certainly be following up in those particular areas.

Mr Bob Wood: Are you prepared to implement the human rights policies of the Ontario government when you're on this board?

Mr Baskerville: Policies and laws have to be obeyed, so therefore, if it is legislation, then we as a board have a requirement to conform to the legislation. I don't know if there's a bit more behind your question. I understand, for instance, the employment equity provision of the Police Services Act was just rescinded before Christmas.

Mr Bob Wood: I think you've answered the question. The answer to my question is yes, I take it.

Mr Baskerville: Yes, I would.

Mr Bob Wood: Okay. The second question I have: I'm told that the Ottawa Citizen said this about you:

"If the Ottawa-Carleton police services board becomes a tougher, more efficient organization, Grahame Baskerville will be one of those responsible."

I hope that speculation is correct, and if it is, I'd like you to tell me what you would propose to do in order to achieve a tougher, more efficient organization?

Mr Baskerville: They were querying me very much, like you people are today, of what background I bring, and I mentioned my management experience. What I see doing is, with the other members of the board, looking very carefully at all the processes, procedures, hierarchies, the organization to see how we can get more policemen out doing police work and the support services and so on being reduced to those things that are essential to providing good community policing. We'll also be having to look at how the structure is done.

The chief of police, I understand, is looking at a different organization with respect to setting up districts. We'll have to look at that very carefully. We'll also have to make sure that all the police energy is not focused just on the urban core, the city of Ottawa, that all the other municipalities, especially what are sometimes referred to as the lower-tier municipalities—in other words, the rural townships—get adequate policing. These are all the areas that I would want to look at and hopefully I will take, as a I said earlier, a pragmatic approach.

I want the police administration to come forward with ideas and I will be looking for things where they can spell out in dollars-and-cents terms what savings they can achieve; and for anything they want to do, what the impact would be on direct police activities, because there is a rising concern with crime in the city and we have to get out there and fight it. Crime does not remain in one city. It spreads over boundaries, from one municipality into the other, which is why actually I'm in favour of this amalgamated police force. I think once we get over the initial readjustment phase, it can support and deliver a very good service to the citizens of the Ottawa-Carleton region.

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Mr Leadston: Sir, how did you come to know about the vacancy on the board and how were you approached?

Mr Baskerville: I didn't know that there was a "vacancy." I was approached to see if my name could be allowed to go forward for this. After some discussion of what was involved I said: "Very well, put my name forward if you feel that I can serve my community." That is what happened. Then later on I was interviewed by many people.

Mr Leadston: Who approached you initially?

Mr Baskerville: Initially it was my member of provincial Parliament who said that my name had come up as being a suitable person, and would I allow him to send it forward? Unofficially, I've come to learn that there was discussion locally among other MPPs and other local and municipal politicians discussing suitable candidates and so on. Then I was approached by people in the Ministry of the Solicitor General. By that time I realized it had reached that level and they reviewed me and interviewed me, so here I am today.

The Vice-Chair: We'll now move to the Liberal caucus for their questions.

Mr Crozier: Good afternoon, Mr Baskerville. Who is your provincial member of Parliament?

Mr Baskerville: Mine is the member for Nepean, Mr John Baird.

Mr Crozier: That's a Conservative member, right?

Mr Baskerville: Yes, he's a Conservative member.

Mr Crozier: In hearing you before the committee, I'm impressed by what you've had to say and I'm sure that you understand the circumstances under which you were appointed—

Mr Baskerville: Yes, I do.

Mr Crozier: —although you may not be aware of the circumstances in which the persons you are replacing were taken off the board. I want to make sure that you feel comfortable, being appointed to the police services board, in that it's my information that under section 25 of the Police Services Act, 1990, it says after a hearing of the commission—this is the Ontario—

Mr Baskerville: Police service commission, is it?

Mr Crozier: No. It's the Ontario civil commission, or the Ontario Civilian Commission on Police Services; it may not be civil. The Ontario civilian commission—that "after a hearing" of the commission, and it's determined that "a member...is not performing" his or her duties or "is guilty of misconduct," the commission "may remove or suspend the member." Only if the commission has suspended or removed a member from office shall "the Lieutenant Governor in Council...appoint a person to replace the" removed member. My understanding is that part II clearly directs that the investigation, suspension or removal of the board member is to be done by the civilian commission. Do you have any knowledge of that process?

Mr Baskerville: Now that you mention it, I recall reading that in general when I was reading the Police Services Act. I will admit that I am not familiar with every detailed clause of it, but I have read the Police

Services Act and what you have just said refreshes my memory. I'm not a lawyer and I don't think it would be right for me to comment on the legality of how the law or regulations pertaining to the law should be interpreted. I have perhaps my own opinions and so on which I would develop over time, but in that particular case I don't really think I'm competent to comment on how that provision should or should not be enacted.

Mr Crozier: That's fine. If your appointment should conclude in your being on the board, would you object if you were removed from the board for any reason other than those that I have given?

Mr Baskerville: I think it was Mr Kormos who raised this earlier, and I said our present system of government, in the Lieutenant Governor in Council, has that authority; I understand order-in-council appointments can be terminated. I may be wrong, but I'm comfortable living within that system.

Mr Crozier: But with all due respect, we just covered a section that you said refreshed your memory, where it doesn't simply say that a person can be removed. There has to be cause.

Let me put it this way: If your best advice were given to the government, would you suggest that appointments to the police services board and removal of members should not be political, but that there should be the fact that they were not performing their duty or were guilty of misconduct?

Mr Baskerville: Again, I'm not of the legal profession, and what you're saying—

Mr Crozier: You must have an opinion, though. Do you have an opinion as a taxpayer?

Mr Baskerville: What you're saying, Mr Crozier, is right, just taking those words, but perhaps in the context of the overall act it's specifically for misconduct or nonperformance. There are perhaps other acts, other legislation, which allows people to be removed. I do not know the details and therefore I don't think I can really comment.

Mr Crozier: It's my intention, before the day is over, Mr Chair, to put a question on the committee's record asking the Solicitor General for some explanation relative to the act in terms of why certain members of the board were removed recently.

Mr Kormos: On a point of order, Mr Chair: It's not Mr Baskerville who's going to be in trouble; it's these guys who'd better transfer their homes into their spouses' hands.

Mr Sergio: Mr Chair, this takes a lot of time. That should be out of their five minutes.

Mr Kormos: Far be it from me to take your time.

The Vice-Chair: I stopped the clock, so go ahead.

Mr Sergio: That's very nice of you. Mr Baskerville, how long have you been living in the area?

Mr Baskerville: In the Ottawa-Carleton area?

Mr Sergio: Or Nepean, or wherever.

Mr Baskerville: I have been living in my present residence for eight years. Prior to that, I was three years in Metro Toronto; prior to that it was five years in Nepean; prior to that I was living in the United Kingdom; prior to that the United States. Probably the greatest percentage of time in my adult life I've lived in the Ottawa-Carleton area.

Mr Sergio: At the beginning of your presentation you said that because of your experience you would be able to quickly recognize a priority problem area. Would you know offhand of any particular priority problem you would like to tackle if appointed to the commission?

Mr Baskerville: Yes. There is an ongoing thing that has to be resolved—

Mr Sergio: I have a couple of other questions, if you can be brief, please.

Mr Baskerville: Yes. One is getting the contracts with the senior officers' association and the civilian employees done, because right now we're still working under separate work contracts. Those have to be negotiated and finalized.

The other thing is the question of the Ontario Provincial Police—which is now on contract; it has to be renewed, and it's bogging down—for the areas they police. That would be an issue we'd have to resolve and might have to look at whether our police force would pick that up.

Mr Sergio: In answer to another question, you mentioned that there is a severe crime problem which must be attacked. Are you aware of a severe crime problem? What would you suggest, what kind of program would you be contemplating to assist in that particular problem?

Mr Baskerville: Based on my knowledge, which I get from the press and so on—I have not demanded any detailed thing from the police yet until such time as my appointment is confirmed—there is concern about rising drug problems. The police have just had some recent success: In cooperation with other police forces, they did a very large drug bust and apprehended many people.

There is also teenage crime. There was a very bad incident recently with some teenagers who captured and tortured some other teenagers in a most violent and degrading way with respect to their private parts. That is a cause of concern, that this type of violent crime is occurring in such young people. If I am appointed, I will have to discuss that with other members of the board and with the police force, how we can best get information about what is happening out there and so on.

1510

Mr Sergio: Given the aura of budget cuts and so forth and considering the number of problems, how would you maintain the level of services and possibly improve other services in the area with less money?

Mr Baskerville: I think I've already alluded to some. We have to get in and cut out the paper fat, you might say, and the unnecessary procedures, and also look at putting policemen out working, either doing detective work or patrolling, not having them pushing files and doing other work. As many police officers as possible should be on hardcore police work. Also, substitute them with other people such as special constables or civilians, and we might even look at considering an auxiliary police force. One does not exist in the new—there were some auxiliary police units in some of the other cities. That is another area we could consider.

Mr Crozier: I just have one last question. With the enthusiasm with which you've answered, you certainly

are interested in this appointment, but I would like to get a handle on at what point you would be involved. In other words, a police services board member, from my experience, generally deals with the budgets. Of course, if there's a vacancy of the chief or deputy chief you get directly involved in that, because that's immediately below that level. But when it comes to appointments to the force itself, the police, generally that recommendation comes from the chief in that they go through the hiring process. Do you see yourself getting involved in the detail of the hiring process?

Mr Baskerville: There's a section of the act which says that the police services board should not get involved in the day-to-day running of the affairs. Perhaps the previous board may have been doing a little too much of that; I shouldn't really make a comment on that. However, yes, I do believe we can obtain information about what's going on, and I mentioned standards.

In the new police force we have to develop—and it's an ongoing process—the recruiting and promotion standards, because right now they reflect the separate police forces. This is an area that has to be worked on. We would give the policies, and then the chief and the deputy chiefs would develop the details. I see the board as providing general guidance of what we would like to see and then I believe we have the right to review the policies and procedures they have developed under our guidance, which is part of our supervisory role in the performance of the chief and his deputies.

The Vice-Chair: Thank you, Mr Baskerville. It was good of you to come today. Your being here was helpful.

Mr Baskerville: Thank you very much.

LAWRENCE KEOGH

Review of intended appointment, selected by third party: Lawrence Keogh, intended appointee as member, Town of New Tecumseth Police Services Board.

The Vice-Chair: The next person on the agenda is Mr Lawrence Keogh, intended appointee as member, Town of New Tecumseth Police Services Board. Mr Keogh, are you going to make an opening statement?

Mr Lawrence Keogh: I certainly would, if that's all right.

The Vice-Chair: No problem. As we've always done, it comes out of the Conservative caucus's time.

Mr Keogh: First of all, I'm very pleased to have the opportunity to serve on this police services board for New Tecumseth. I'd have to say that my past experiences and the skills I have developed certainly will make this appointment, I think, very appropriate.

Just a bit of background: As the principal for 11 years of Banting Memorial High School, which is the largest of 14 high schools in Simcoe county, I certainly developed expertise in assisting with the development of policies and guidelines, the review process, report writing and the implementation of a multitude of regulations and terms of several acts.

Many initiatives adopted by other schools in Simcoe county, both separate and public, were pioneered at Banting. The team approach made the implementation of these new initiatives much easier. With a total staff at Banting of 190, 130 of whom are teaching staff, I was always hiring, conducting reviews, planning professional development; therefore, employment equity, health and safety, and team-building were always at the forefront.

The staff and students at Banting worked as a team very closely with the community, including many initiatives with the local police force, such as Crime Stoppers, Students Against Drunk Driving, Operation Lookout, and the resource police officer who comes to Banting two afternoons a week. That initiative, which is now in its fourth year, has just been adopted by St Thomas Aquinas High School in Tottenham.

Banting provides lifelong learning for the people of the entire municipality of New Tecumseth and beyond. With a day school population of 2,000 and the multifaceted evening and weekend programs, Banting has been the educational, cultural and recreational centre for a large area, including this municipality. A school-community board of management on which I currently sit also has developed a 13-acre recreational complex adjacent to the school.

With this broad exposure over many years, through long days and evenings, I gained a reputation in the community of trust and energy, of being a good listener and a facilitator of change. Thank you.

The Vice-Chair: We'll start the questioning with the Conservative caucus.

Mr Ford: Mr Keogh, what goals do you have in mind for the board?

Mr Keogh: I attended their meeting on Monday night. I certainly have been working with members of the board and with the police officers in the area for 20 years. I attended their meeting to see what the priorities were and if they were in line with what I might have.

Some of their priorities were to get an extended service office in Alliston. The one we have right now, the lease is running out in March, so we have to replace that because we really are pushing for community policing. The community has its own police committee now, and they're initiating a program called Road Watch, which they adopted from Caledon, which I think in turn they adopted from somewhere out west. I'm very much in favour of promoting that one; to continue the initiatives that the school has set up with Students Against Drunk Driving; Operation Lookout, which just began in 1994. And I was very pleased at the meeting on Monday night, when they had the officer who had been visiting Banting for four years; he was turning that over to a new officer so he could gain further experience—

Mr Ford: What ideas, Mr Keogh, are you bringing, new, fresh ideas?

Mr Keogh: I would like to raise the awareness level that the police services board is in place and have it as a vehicle for better communication with the community, because I believe with the restraints going on in budget, policing is going to become more of a community matter and the public should get involved as well.

There's a review of alarm systems. I have some good input on false alarms in a school of my size, so I have some ideas along that line as well.

1520

Mrs Ross: Mr Keogh, I'm particularly interested in the work you have done with students. I've heard of MADD, but I wasn't aware that SADD existed. Does it exist in other parts of the province?

Mr Keogh: Yes. In different forms, it exists across the province. There's a countermeasures program which takes place which is put on by the Solicitor General's office, I believe. We have attended that every year. My understanding is that that's been moved from December now till next month, February. We put on workshops for other schools in the county, and they come together with programs that would enhance that. St Thomas Aquinas, our neighbouring school, adopted their program from Banting as well.

Mrs Ross: Can you tell me how big a community New Tecumseth is?

Mr Keogh: It's about 15 miles by 10 miles. Our busing, which takes in a little more than New Tecumseth, covers about 350 square miles.

Mrs Ross: So it's a relatively small community in terms of population.

Mr Keogh: It's sparsely populated in a good part of the area, yes.

Mrs Ross: I have a real bugaboo about community policing. Do you know what community policing is?

Mr Keogh: Community policing is getting everyone involved and getting the officers out on the beat more than sitting in offices punching in reports on computers.

Mrs Ross: Do you think it's a good concept? In New Tecumseth now, do they have community policing?

Mr Keogh: They have community policing. I think it can improve. They have these extended offices. The centre is in Beeton, which is pretty central in New Tecumseth. They have an office in Tottenham and an office in Alliston, which gives them a presence in those two communities. Just last year, the police started using bicycles in the summertime, and it's mandatory for them to be on the sidewalks in the urban areas during part of the summer, when it's tolerable to be out there.

Mr Newman: What are some of the challenges facing the police in the community of New Tecumseth?

Mr Keogh: The new regulations coming through. How to address wife assault—that's an issue they're reviewing now and trying to respond to that. It certainly isn't a high incidence. I think three were reported in the month of December, and there were no charges laid; there were no grounds for charges. We're looking at these false alarms. It isn't a major disruption, but if it's a problem, should we be recouping some of the time and money spent there?

Mr Newman: You're talking about repeated false alarms?

Mr Keogh: You have to keep in mind that we have a contract OPP force, so they have regulations and guidelines they have set out. Also, how do you free up the police from writing reports and getting them out to public policing issues?

Mr Newman: What is the population of New Tecumseth?

Mr Keogh: It's 21,000. I think you've got a figure of 19,000 or something on the records now, but it's about 21,000.

The Vice-Chair: Mr Preston, do you have a quick question?

Mr Preston: A quick one: How did you get here, sir? Why did you apply for this situation?

Mr Keogh: First of all, the police services board has five members. It's only mandatory for them to have three by the population, and I was aware that the vacancy was there since June. The vice-chair left her position; I think she moved out of the area. This is my second year of retirement, so I was looking for something to do. I had some references that I should apply, so I contacted the government down here to find out what the possibilities were. As a matter of fact, I talked to a couple of my former students who work in this building, who were able to give me some ideas of what the job would entail. I applied, and obviously I've been recommended.

Mr Preston: So it's pretty well on your own initiative that you got here.

Mr Keogh: I got some help—

The Vice-Chair: We'll move on to the Liberal caucus.

Mr Sergio: Sir, you were just saying you had some help. Some help from whom?

Mr Keogh: I asked some questions about, what is the police services board about? I got some information and it was referred to me that we have a secretary right in the municipality, so I went to Pat Belisle and got some information there.

Mr Sergio: I see. You didn't notice it being advertised in the paper?

Mr Keogh: I did not see any advertisement in the paper, no.

Mr Sergio: I notice from your résumé here that you've been teaching in the Alliston area since the early 1960s.

Mr Keogh: That's right.

Mr Sergio: How long have you been living in the area?

Mr Keogh: I was born in New Tecumseth. I worked in Toronto for seven years with Ontario Hydro and I moved back there and started teaching in 1963.

Mr Sergio: Have you been involved in the community there, in the Alliston area? Have you been active?

Mr Keogh: I've been most involved in the community, running the school, which is right in the Alliston community. The doors are open from 7 in the morning till 10 at night and the community has full use of the school.

Mr Sergio: If you had to identify a particular problem connected with the local police department there, what would it be?

Mr Keogh: I'm going from the report which I received—we get a monthly report at the police services board—which shows in almost every category the incidents are down, so I can't cite a problem there. The problem is the multitude of paper that they have to deal with and the difficulty in getting them out doing what most of us would prefer they do: interact with the community.

Mr Sergio: So crime, drugs, is not a problem in the area?

Mr Keogh: The only thing that's been up is I guess the same as across the province: The RIDE program came up with a few more incidents this year and theft for this one year is up slightly, but all the other areas are

down, very considerably. A good example of that is frauds are down from 155 to 116, break and enters from 184 to 116. Those are the reports that came out in the meeting on Monday night, which was the annual report.

Mr Sergio: If you get the appointment and you're faced with budget cuts, where would you cut?

Mr Keogh: First of all, budget is a matter between the town and the OPP. We don't get involved. That's one thing: When you have a contract with the OPP, the police services board is not involved in budget. They're involved in recommendations about the level of policing, and that would certainly constitute the number of officers. Where would we cut? Maybe one of the things we could do is start charging for false alarms. I know that will bring a lot of revenue, but as principal of that high school I would love to have seen a charge for that same teacher who put it off four times in one year. So I think in some areas like that maybe there's some possibility of recouping.

Mr Sergio: I know that you live in a very touristic region, area. If someone just visiting or going through were to need assistance, would you charge someone—a tourist, let's say—because he happens to call in the police department for assistance?

Mr Keogh: On a drug charge?

Mr Sergio: No, he may be stuck on the road or whatever, stopping for assistance.

Mr Keogh: I didn't get a clear handle on that question.

Mr Sergio: If a tourist going through your region would be in need of assistance, would you be charging that particular citizen or tourist a fee for a particular service?

Mr Keogh: A lot of the occurrences that take place in our municipality are people who are passing through. A lot of the thefts are certainly not by residents of New Tecumseth. A lot of thefts are from people outside New Tecumseth. Quite a few of the accidents, and unfortunately fatalities, are from people who are driving through. We're right on a highway.

Mr Crozier: How much time do we have?

The Vice-Chair: You have about six minutes left.

Mr Sergio: And I was rushing.

1530

Mr Crozier: Thank you, sir, for coming today. I want to get some feeling as to the impact that you feel you can have on your police services board. In that my experience has been from a municipality where the municipality had its own police force, with the OPP on a contract basis, I would feel that perhaps the police services board couldn't have quite the influence on its police service, since it's the OPP. Do you feel there's any impediment there because it is the OPP and not your own municipal police force?

Mr Keogh: I certainly do, but there are a lot of benefits as well. When I had those questions, I decided yesterday to go and visit with Sergeant Allan, who is the sergeant for our area. He's the sergeant for the detachment, and 26 of the 48 policemen serve in New Tecumseth.

One of the concerns was employment equity. When I saw his figures, that 12 out of 48 were females and two were visible minorities, that record isn't as good as my staff at Banting, so I was interested in how that might be improved and what influences he had in hiring. He said he had some influences and they have worked out. But that's one area where we don't have a direct contact. Some of their regulations they like to follow, which are OPP regulations, such as the false alarm, which is a guideline they have put out.

But on the other hand, we have the support of the entire 48 officers if we need them. The training, especially on the new firearms, was all done by the OPP. As a matter of fact, I believe the chief of firearms for Ontario is an OPP officer. If we needed a task force or a force to come in against some major crime in the area, then that's available to us in Barrie, and the fact that the OPP centre is moving to Orillia is a benefit to us as well. So the benefits certainly outweigh the few areas of concern that I might have.

Mr Crozier: That's interesting because, as I had said, my experience hadn't been where there was an OPP force. When you said you were concerned about the number, there were 12 female officers, did you say, and two visible minorities? Where those the figures?

Mr Keogh: That's right, out of 48.

Mr Crozier: You were concerned about that. Was your concern that it was too many or too few?

Mr Keogh: I would sooner have a balance. As an example, when I started hiring at Banting, there were 28 positions of responsibility and there were seven females. When I left Banting, there were 29 positions of responsibility and there were 13 females.

Mr Crozier: So what do you consider a balance? Our population is what? Females outnumber us a bit. Do you feel the balance would be more than 50% female?

Mr Keogh: I never would work on statistics, but certainly a better representation. Now that New Tecumseth is becoming more multicultural, with the introduction of Honda plants, then I would like to see that area represented as well.

Mr Crozier: Thank you, sir. I think under these circumstances, if you're concurred in, I wish you well in obtaining your objectives.

The Vice-Chair: Is that all the questioning from the Liberal caucus? Okay. Then we'll move on to the New Democrats.

Mr Kormos: Thank you, Mr Keogh. You attended a meeting of the police services board?

Mr Keogh: Yes.

Mr Kormos: That was to prepare yourself, to bring yourself up to speed for the appointment?

Mr Keogh: It's a public meeting.

Mr Kormos: Yes, I understand.

Mr Keogh: I was the only person from the public, and one news reporter.

Mr Kormos: You obviously knew that this meeting was taking place here at Queen's Park today.

Mr Keogh: Oh, yes.

Mr Kormos: And you made inquiries, as you say, of an OPP sergeant?

Mr Keogh: I know Sergeant Allan very well. I worked with him on a Honda community funding committee for years, so I know him very well.

Mr Kormos: You spoke to him about policing, and obviously you have in the past.

Mr Keogh: Yes.

Mr Kormos: And knowing that you were coming here, you've made an effort to bring yourself, as I say, up to speed on what's going on in the community.

Mr Keogh: I was very aware of policing in the community, but such things as the number of occurrences and incidents of different types, I wanted to know that and what was the situation in employment equity and how might that be addressed with the contract situation. Those are the kinds of questions. Do they have the new firearms and are they using the hollow-point bullets? Those are things that I wanted to investigate.

Mr Kormos: Again, you obviously have an interest in serving on the police services board.

Mr Keogh: Certainly.

Mr Kormos: It's not just a matter of filling time or picking up the occasional per diem.

Mr Keogh: No. I don't even know what that is, but apparently it's pretty minor.

Mr Kormos: You should stick around here for a while. We've got whoppers floating around here in terms of per diems. What I'm trying to establish is that, knowing that you were coming to this committee, you took the interest and you took the time to do some inquiries even though you hadn't been fully appointed to the police services board yet.

Mr Keogh: That's right.

Mr Kormos: You did that because, among other things, you knew you were going to be coming here and you were going to be asked questions about your views on certain things.

Mr Keogh: I did it before the meeting today rather than before I attended my first meeting, yes. Had I not done it in the last week or so—and I've been boning up on this for quite a while, because the rumour has been out there in the community, so I've had the odd chat with the secretary and with Sergeant Allan. I did my homework before today rather than before the February meeting if in fact I'm successful today.

Mr Kormos: I've got to tell you now I admire that; I think the rest of the members of this committee do. You certainly distinguish yourself from some of the other people who appeared here today who had little interest and no desire to brief themselves before they came here.

You talk about the volume of paper by police. Expand on that a little bit, please.

Mr Keogh: Well, I see in this package, which comes out every month, for instance, the number of hours. When we have 26.66 officers' time, it's not the same 26.66 officers; it could be any of the 48 assigned to a municipality on any particular day. So in order to come up with the hours—and if there is a break-in, then they might get extra officers coming, so those hours and minutes have to be calculated and tabulated. There's a lot of paperwork. When I drive through Alliston, I see the police car sitting out and the police officer is doing his reporting in the car rather than in the office across the street. But still, I would sooner see him walking on the street.

Mr Kormos: Do you understand what he's doing, though, when he's doing the paperwork?

Mr Keogh: He could be filling out a use-of-force form, he could be filling out the times that he had to draw his firearm, and those are very minimal in Simcoe county. There might be one occurrence a month of use of force. I think there was one occurrence of high speeding.

Mr Kormos: Quite right, but surely you consider it important to record that data, don't you?

Mr Keogh: Oh, definitely.

Mr Kormos: Because when the police officer is in court, he's going to have to rely upon his written records to give testimony.

Mr Keogh: That's been made very clear to me a number of times police officers have come into the school and questioned the students.

Mr Kormos: Quite right, but it's in this area I'm having difficulty. I appreciate that there's voluminous paperwork involved in police work. What's your response to that? You seem to have observed that—fair enough; you and I are ad idem—and you agree that it's important. So what is your spin on it, what is your slant on it?

Mr Keogh: The direction I'd like to head on that, if it hasn't already been discussed with the police services board members, is to discuss it—and Sergeant Allan attends those meetings except if they go in camera, which they very seldom do—to determine if there are ways, with the use of additional computers, to bring this time together more. Are there officers hiding behind writing reports rather than getting out there?

Mr Kormos: Wouldn't it be so nice for a police officer to have a little dictation machine so he can dictate it and a clerk typist can type it after the fact?

Mr Keogh: I don't know whether they have those or not.

Mr Kormos: This is the last government that's ever going to fund that sort of resource for either the OPP or regional police forces. Wouldn't that be part of the solution?

Mr Keogh: It could be, certainly. I used that as a principal. When I was driving home from a meeting, I'd dictate what I wanted my secretary to type the next day.

Mr Kormos: But you know the police officers have to sit there and write this stuff out in longhand or punch out two-finger typewriting for what seems like deathly hours to them, let me tell you.

Mr Keogh: The officer sitting right out there was doing that. He had his little book, writing away.

Mr Kormos: What would your future goals be in terms of policing in the community? Again, you talked very candidly about the makeup of the police force and how you want it to reflect your community. What would your goals be in terms of the type of police presence in the community, what police should be doing?

1540

Mr Keogh: I really am in support of these extended offices, where there's an office in Tottenham and an office in Alliston and the main office in Beeton. I would certainly support them on getting out on their bicycles and on the street. Besides that, though, I know from school that I could not have handled the environment at the school without the help of these groups that I established. I think there's ample room to establish further groups that will be very effective, and Road Watch is only one of them.

Mr Kormos: You heard the last person here before you talk about the use of civilian staff as compared to police officers—civilian or special officers. You know that police officers are terribly concerned, at the OPP and regional and local police levels, about their replacement by civilian staff, don't you?

Mr Keogh: Yes, but when I was talking at the meeting the other night, there was some discussion about auxiliary police.

Mr Kormos: And you say there's no auxiliary police program in the Alliston-New Tecumseth area?

Mr Keogh: There was in the past, but they're just looking at resurrecting it again.

Mr Kormos: You'd be supportive of that?

Mr Keogh: Once I knew more about the parameters of their responsibilities, yes.

Mr Kormos: Do you believe in such a thing as minimum staffing, and that is to say that a community of a certain size needs a minimum number of professional police officers if it's going to be adequately protected?

Mr Keogh: Very much so. I would never suggest reducing the number of police officers.

Mr Kormos: But you also know that this government has got police officers under attack, along with most other workers in this province, and is going to be forcing regions and communities to reduce the amount of policing. How do you reconcile your task then with what clearly is the agenda of the government?

Mr Keogh: I think just merely cutting the budget doesn't necessarily mean cutting the number of police officers, even though I'm sure, the same as in teaching, salary is the biggest part of the budget. There's got to be other ways that we can cut costs and not reduce. There's no intention in our municipality of reducing the number of police officers.

Mr Kormos: Thank you kindly, sir. I appreciate your time here.

The Vice-Chair: Any further questions from the New Democratic caucus? That's it then for Mr Keogh. Thank you very much for coming today. Your being here has been helpful.

Mr Keogh: Thank you very much. I really enjoyed this experience.

Mr Kormos: Enjoy the police services board. And don't let these bastards here at Queen's Park reduce the number of cops in the municipalities.

Mr Keogh: We'll look after that.

The Vice-Chair: We have a couple of things. We'll start with the concurrence process and, as we've been doing to date, we'll go through each one individually. The first on the table is Mr Hans Keller. Would somebody move concurrence?

Mr Bob Wood: I move concurrence in the intended appointment of Hans Keller to the Timmins police services board.

The Vice-Chair: Any discussion on that?

Mr Kormos: Please, Chair. A nice person, no two ways about it, long-time businessman and apparently successful. He talked about he how was out of province for a while, came back home to Timmins and took over his ailing father's business. But I think it's incredibly important that police services boards have people on them who are a cross-section of the community and who are intimately involved in various facets of the community.

This gentleman was very candid, and I appreciate that he indicates that he was very preoccupied with his business activity, but wasn't able to identify a single activity in the community other than running his business. There's nothing wrong with that. I'm not suggesting that he was delinquent in any way, shape or form, but to be on the police services board and to be able to bring those very human skills to it, I think surely this government would have expected somebody who would have had more experience in the community, who would have been in touch somehow with any one of a number of elements of the community that are impacted in one way or another by the function of a police force.

The second concern about this gentleman—and I contrast him very much with Mr Keogh, who was here most recently, and indeed even with Mr Baskerville before him—is that the gentleman had done no preparatory work whatsoever. He seemed to have absolutely no interest in pursuing by virtue of inquiring of anybody, interviewing anybody, visiting with anybody, meeting with anybody. I give a person credit who will go to a police services board meeting before they're on the police services board so they have a half-assed idea about what's going on there before they come here. This gentleman didn't. He didn't avail himself of even the most modest level of inquiry.

I am fearful—not that this man lacks integrity, not that he is anything other than the hardest working, most honest person. But surely the Tories can do better than that. Surely, at this early stage in them forming the government they're not reduced to taking off the group W bench, to picking up off a second string when it comes to appointments. These are very important positions, increasingly so for the next three and a half or four years, with the incredible pressures that are being applied on police forces as a result of this government's cutbacks, clawbacks and axing.

I'm indicating to you, Chair, that I will not be supporting this appointment. Surely the members of that community—and again no disparagement of the gentleman at all, but he has done nothing to demonstrate a unique ability or an interest to serve his community and his police force by virtue of service on the police services board. A most disappointing recommendation from this government. I just can't believe that's the best they can do.

Ms Churley: I have to concur with my colleague on this one. I know I'm not going to agree with all of the polices from Tory government appointees, and I don't expect that. I want the opportunity, and this committee gives me the opportunity, to raise questions of concern to me, which I did, and not surprisingly I wasn't totally satisfied with all the answers and the lack of expertise in areas such as violence against women. I wasn't necessarily surprised by that, but I agree with my colleague Mr Kormos that this particular candidate, in my view, was pure patronage. I don't think I'm even going to be so kind, which surprises me, as my colleague in this particular appointee, Mr Keller. I thought it was appalling, his lack of knowledge about his community, about what police services boards do; not even apparently having

read background information knowing that he was coming before this committee.

Notwithstanding that I was not satisfied with some of his positions, or non-positions, on some of the questions I asked, what appeared to be his almost complete lack of interest in what it is he's been asked to do astounds me. So I will not be supporting this recommendation and I agree with my colleague that I think the Tories can do a whole lot better than that. I would ask my colleagues, some of whom weren't here to hear his responses—but believe me, we are not exaggerating. You will read the Hansard later. This was a problem that you might think about not supporting this particular recommendation today.

Mr Leadston: Obviously, I don't share the views that were expressed by both members. I think the gentleman obviously answered the tough questions in a very clear, concise manner, in a businessperson's approach. My sense is that he does have a very strong commitment to his family, and that's obviously indicated in some of the material. To what degree, with this ailing father, I'm not sure, but he was answering quite openly and honestly, and certainly his responses were not coloured by rumours, by talking to—I think someone asked, "Have you talked to the policeman on the street?" or something. I don't think his responses were coloured at all in any fashion in the process. I think he would devote a great deal of energy and commitment to the position, as he has done to his business, which is quite successful. I'm sure he would make a strong contribution to the police services board.

1550

Mr Sergio: Just briefly, I don't totally disagree with my colleagues at my left, if I may say.

Mr Kormos: Damn right.

Ms Churley: You certainly may. Please do.

Mr Sergio: Of course, he didn't shine like the other candidates. Perhaps they were better candidates, better chosen-candidates, better-qualified candidates. Perhaps they indeed take the time to avail themselves of information with respect to the position and so forth. I'm not so sure that it's totally his fault. If it is a question of a commitment, let's say, from the government side, perhaps he took it as a fait accompli so he didn't have to go and delve a little bit deeper into preparing himself for the meeting here.

So I don't want to be speaking totally negatively on behalf of Mr Keller. This is the point that I agree with Mr Kormos: he didn't show that keen interest of serving his community as much as he did show it for his business skills or his own business venture.

Again, because of his unpreparedness, he didn't shine as some of the other candidates. Perhaps he would do a good job as a member of the commission up there, but I wonder if there are other people we should seek out from that particular community, perhaps better qualified. I was a little bit disappointed on the question with respect to how much time he would dedicate to this particular position.

If ultimately we have to go with Mr Keller, so be it, but I wouldn't mind to see another person coming down from that area. So at this stage I'm not prepared to support him either. If it carries, I have no particular problem with it. I think he may offer his contribution in a very positive manner, but at the moment I'm not prepared to say that I'm totally satisfied, as I have been with most of the other candidates this afternoon.

Mr Bob Wood: I may add simply this: I was quite favourably impressed by his extensive and excellent business background, which I think is exactly what's needed, given the sort of financial issues that all these police services boards are going to be facing. I think that was a very strong recommendation of him for this position. He's obviously a busy person and that's understandable. He's prepared to commit himself to this position and I think he'll do a lot of good on the board.

The Vice-Chair: Okay, any further—

Mr Kormos: Recorded vote, please.

The Vice-Chair: A recorded vote.

Ayes

Ford, Hastings, Leadston, Newman, Parker, Ross, Wood (London South).

Nays

Churley, Crozier, Kormos, Sergio.

The Vice-Chair: I declare the motion carried.

Mr Kormos: Mr Chair, I move concurrence with the recommendation of the appointment of Mr Lalonde.

The Vice-Chair: Concurrence has been moved: Mr Lalonde to the Ontario Institute for Studies in Education. Any comment? Mr Sergio.

Mr Sergio: That's fine. I have no comment.

Mr Kormos: Mr Chair, in my view this is an excellent appointment. I congratulate the Ontario Teachers' Federation for making him their nominee to OISE. He's bilingual. He has an extensive background. He has a progressive outlook. I have no hesitation in supporting this recommendation. It's unfortunate that the Tory hacks who were being put forward weren't of the same calibre as Mr Lalonde.

The Vice-Chair: Any further comment? If not, all those in favour, please raise their hands. All those opposed? Unanimous. Carried.

Mr Crozier: Mr Chair, I would move concurrence with the appointment of Ronald Sutherland to the town of Amherstburg Police Services Board.

The Vice-Chair: Any comment?

Mr Kormos: This committee has an incredibly important function, notwithstanding that the persistent exercise of the power of the majority by the Tory members overrides that function as often as not.

Let's reflect, please, for the briefest of moments, on what Mr Sutherland had to tell this committee. Of course, not being a member of the Conservative Party, I, along with Ms Churley, seized on his reference to pursuing policing from the Progressive Conservative Party perspective of crime and punishment. Well, to my great surprise, when I asked this gentleman to identify the Progressive Conservative approach to crime and punishment, he talked about equity—

Ms Churley: Employment equity.

Mr Kormos: —employment equity, he talked about prioritizing victims of spousal abuse, victims of domestic

violence. And then, as I paid close attention through the balance of questioning, he was, in a very slovenly way, trying to construct his responses depending upon who was asking the questions, trying to curry favour with one or the other.

Now, mind you, in this group here, it's hard to realize you can't have your cake and eat it too. Here we're dealing with a government that has beat up on beaten women and certainly hasn't prioritized them in any way, shape or form. Here's a government that's beaten up on women, minorities and the disabled when it comes to employment equity, repealed both the Employment Equity Act and the employment equity provisions of the Police Services Act. So I found that peculiar.

Mr Sutherland comes across as a little bit of either a person who's very much out of touch with what's going on in the province, he either grossly misunderstands what is a very clear agenda of the Tories when it comes to things like women and spousal abuse and equity issues, or he's trying to be all things to all people. He's either a flim-flam artist or he's stupid. In either case, with all due respect to Mr Crozier, who moved his acceptance, I find once again his responses were oftentimes peculiar, oftentimes outright inappropriate.

As well, you'll recall that he was questioned about homework that he had done prior to coming here, in preparation for and in anticipation of this committee hearing.

Again, I tell my colleagues from the Tory party, we'll be reading about this police services board, if this appointment is approved, I predict within, in this case, two years' time. Within two years' time, we'll be reading about Amherstburg and its police services board.

This, again, is not an acceptable appointment. If this is what these people think quality is, then my fears about the next three and a half years in this province are compounded exponentially. I'm not going to be supporting that appointment.

Mr Crozier: I knew in moving concurrence with Mr Sutherland that no doubt Mr Kormos would have something to say about me having done that. I was anticipating what his comments might be and in this case, I much prefer to side with the government than with Mr Kormos.

Mr Bob Wood: Perhaps I might make a brief comment on this. I think he has a good community record, he understands the business issues, and I think he's demonstrated sufficient qualifications for appointment to this board.

Ms Churley: May I say at this point, I'm not supporting the recommendation, for the same reason as my colleague. I wasn't going to speak, but I just want to back up what Mr Kormos said, that there seemed to be absolute confusion around the questions about what the priorities of this government are in terms of policing. He gave different answers to different people on that, and that alarmed me.

After we're finished concurrence, I have some questions, and I'm not quite sure how to do it, but I'll do it later. I have some questions.

I think the committee needs a report on the kind of balance that the boards, the commissions, are made up of by these new appointments. I keep hearing about the importance of the business perspective on boards. I agree that there's an importance of business perspective but, my goodness, there's also a real importance to have that balance there, and I'm really concerned that the members of this government are looking too much to making sure that the business perspective is there and is ignoring some of the other very important components in the kinds of backgrounds that people need to have.

I am not supporting this person because I don't believe he has a very clear understanding of the kinds of issues that people need to be aware of and care about to make sure there's a balanced perspective on the board.

1600

The Vice-Chair: Any further comment? If not—

Mr Kormos: Recorded vote.

The Vice-Chair: Recorded vote.

Ayes

Crozier, Ford, Hastings, Leadston, Newman, Parker, Ross, Sergio, Wood (London South).

Nays

Churley, Kormos.

The Vice-Chair: I declare the motion carried.

Next up is Mr Iscoe.

Ms Churley: I'd like to move concurrence for the appointment of Dr Iscoe.

The Vice-Chair: Okay, any comment on the concurrence on Dr Iscoe? If no comment, all those in favour of the appointment of Dr Iscoe? All those opposed? I declare the motion carried.

We'll now go on to Mr Twinn, to the Pesticides Advisory Committee. Will somebody move concurrence of Mr Twinn?

Mr Leadston: So moved.

The Vice-Chair: Any comment on that appointment? If not, all those in favour of the appointment of Mr Twinn raise their hands. All those opposed? Carried.

The next appointment is Mr Baskerville, to the Regional Municipality of Ottawa-Carleton Police Services Board. Will somebody move concurrence?

Mr Bob Wood: I move.

The Vice-Chair: Comment?

Mr Sergio: Do you want to take the first crack, Peter? Yes, I think he wants to go first.

Mr Kormos: The first cut is the deepest. Mr Baskerville, other than one concern that I have, and while his militaristic model of policing may not be what I understand police officers' goals to be when it comes to designing and operating a police force, again, he's a man of integrity, a man of a great deal of experience, no two ways about it.

I have some concern where he talks about the fact that there should be the substitution of police officers by civilians so that police officers can be doing hardcore police work. Again, that betrays somebody, or reveals somebody who hasn't spent a whole lot of time talking to cops. The fact is, and I say one of the other people had a far clearer understanding of the fact that there's technology that can be used by police to facilitate report writing and so on, but the police officer is always a

police officer. Whether that police officer is delivering summonses or subpoenas, whether that police officer is in schools doing prophylactic work within the community, doing preventive policing, whether that police officer is in attendance at a courthouse, the fact is the police officer is always on duty, and there is a great deal of fear among policing ranks, especially with this government, this government that promised—there's a difference between a broken promise and a lie, Chair, so maybe it wasn't a promise after all, but this government that stated that it was a law-and-order government and that it would not put either firefighters or cops under attack. There's a lot of concern among police officers and concerned citizens throughout this province that there is going to be an understaffing of police forces, there's going to be a substitution of police officers with civilians, and I tell you that, I think, is a very dangerous perspective, and Mr Baskerville seems eager to support that move. I disagree with Mr Baskerville in that regard; so do a whole lot of police officers in this province. But otherwise the man shows, demonstrates, some qualities.

I've got a more profound concern, though, and that is that I am not going to be a party, nor should this committee be a party, to an illegal act. The provincial government illegally terminated four members of the Ottawa-Carleton polices services board. All four of those people were appointees who had had prior police services board experience before their most recent appointment to the Ottawa-Carleton police services board.

They are being replaced by, subject to this committee, and I know this committee is going to be considering one Peter Vice, who was a Tory campaign manager; one Anne Boudreau, who is the daughter-in-law of the deputy mayor of Gloucester and also a well-known Tory; one Al Bouwers, who is a former mayor of Osgoode and a Tory member; and of course by Mr Baskerville. Mr Baskerville may well be a Tory. That's fine. He's a career civil servant and would appear not to have been actively, publicly—he certainly isn't a defeated mayor or the daughter-in-law of a deputy mayor or a Tory campaign manager.

This government has illegally fired, terminated, four extremely competent, extremely qualified members of the Ottawa-Carleton police services board. I encourage those four people to litigate and to sue the butts off of anybody who happens to be in their scopes.

Mr Leadston: On a point of order, Mr Chair: Is the purpose of this committee to recommend the applicants to the various positions, as we've done today? Is that our purpose? Aside from the interviewing process, our goal is to recommend—

The Vice-Chair: It is to interview and then to move either concurrence or non-concurrence with their appointment, and this is quite in order.

Mr Leadston: So our role, in terms of how a board or commission deals with the applicants in terms of dismissal—it's not the function of this committee to make any determination with that regard. Our function is to interview and to merely recommend the applicant, and that's where our responsibility ends.

The Vice-Chair: That's right, and what is happening here is within the scope of that.

Mr Leadston: Well, I don't believe that's within the scope of our mandate, what's being proposed and what's being discussed, and I ask the Chair for some clarification.

The Vice-Chair: The member is simply putting on the record his thoughts re this appointment, and that's within the purview of this committee to do.

Mr Kormos: Thank you, Chair. Unfortunately, I lost my train; I'm going to have to back up a couple of sentences. That always happens when people interrupt me.

In any event, we've got illegal dismissal of four competent and creditable and hard-serving police services board members who reflect a broad range of interests in the community to accommodate three clear Tory hacks and Mr Baskerville, who I'm not accusing of being a Tory hack and who I recognize is competent. As I say, I encourage those people to litigate. They have, as I understand it, a term that extends well through this year and perhaps even into next year.

I am not going to be a party, and I don't believe this committee should—and I caution committee members to conduct themselves with some concern—to an illegal and immoral attack on the four former police services board members of Carleton who were illegally dismissed, terminated to make way for a whack of Tory patronage appointments.

In view of that, I believe I am compelled, and I shall act accordingly, to oppose this appointment. Once Ms Dewar or Ms Hunter or Ms Leroux or Ms Hayes—it's interesting. Four women are going to be replaced by three men and one woman. That's a very interesting proposition. This government's attack on women didn't stop with single mothers raising their children in poverty, it didn't stop with a tax on abused women who sought out the shelter of second-stage housing, but knows no bounds. This government is clearly an anti-woman one, is clearly a patronage one, and it clearly has no hesitation in engaging in illegalities to pursue its goals. I certainly can't support this. It would be entirely inappropriate. If these guys want to put their butts on the line in terms of being subpoenaed as witnesses or being defendants in civil litigation, let them; not me, by any stretch of the imagination.

1610

Mr Sergio: I want to make some comments strictly on the applicant and the merits. I'm not convinced that this is the right person for this particular appointment, Mr Chair. He comes with a lot of experience but, no offence to our staff here, he brings with himself a tremendous bureaucratic, federal experience, and you cannot apply that in a local, community-based police community.

There was nothing that I have acknowledged in his presentation where he has softened his views. Again, no offence to our staff here; I just can't see how we can totally neglect the interest of a community when it comes especially to police affairs that we are debating totally from the principle which is community-based policing.

He has offered nothing at all whatsoever with respect to community issues, how he would work with that. He has strictly restricted his comments to, with an iron fist, if you will, how he would run the police commission. I

really don't think he has left any flexibility as a policeman, if you will, as a superior of the police staff up there, that he would be flexible enough to show the community that governing or running a local community, from a police point of view, that would be the case, and I think that's where flexibility must be shown.

If we can't ensure that, then we cannot say that we have, especially in those smaller communities, a police-based community. We just can't have it. If we have at the helm of a police commission people such as Mr Baskerville—and he brings a lot of wonderful experience, no question about that, but this is a totally new game for him. He comes from a different school, where he was trained and he worked for many, many years in a very different field, and this is totally new. Maybe he would change with time once he was in that position, but I just can't see putting a man like that with such a view. He has shown that he's got blinkers on when it comes to community, community-based police activities, and I just didn't see him as the right person to be appointed on the commission at that particular place.

I have a lot of doubts. It's not that I have some doubts; I have a lot of doubts appointing Mr Baskerville to the Ottawa-Carleton police services board, and I can't support it. Mr Chair, I would move that the appointment be not now made, if it's in order. If it isn't, then I just give notice that I won't be supporting that appointment.

The Vice-Chair: There is a motion on the floor and you can certainly vote against that motion.

Mr Sergio: That's fine. Thank you.

Ms Churley: I don't support this appointment, or this recommendation. I'm not even going to go into the details of some of the concerns I had with his responses to some questions.

My concern, particularly about the Ottawa-Carleton police services board, is bigger than that, and at the very least I would recommend today to even the Conservative members of the committee to support deferring a decision on the Ottawa-Carleton appointee. I believe that given particularly what happened with Hydro and the fact that a similar kind of event happened where the minister signed the papers to fire five board members, saying that they did a great job but they're trying to save money so therefore they were going to be let go—the minister said very nice things about it. It turned out that the government was breaking the law in firing these people, and the courts confirmed that.

I believe that in this case there's a very good chance the same thing could happen again. It makes sense to me for the government members to recommend that the minister responsible go back and take a look at the law again in the Police Services Act and perhaps save taxpayers the money if in fact they have broken the law, as they did with the Hydro board, and not put these people who are here today through any more if it turns out that they can't be appointed because the four women who are being kicked off—the government is commanded by the court to reinstate these people. There's a chance that may happen. Then there are these particular people, including Mr Baskerville, who was here today, who have really put themselves out, who have expectations, and it won't happen. It will also cost the taxpayers money. So that's my recommendation.

I also want to say that I have some real concerns about the composition of this board, and we don't have it in front of us today, but I do see we have four women, and only one of those, it's my understanding, was a card-carrying New Democrat. But we have four women with extensive expertise, having sat on other police services boards and having worked in areas of violence against women and in a whole bunch of community areas, who have been thrown off the board. We haven't been given any reasons why. I'm really concerned that the balance of the board, which our government in fact did maintain—there was some business representation, there was community-background representation, policing kind of law-and-order representation, but you need that balance of expertise.

What I'm suggesting here is that no decision be made on this one today, that this committee—and I don't know if it's in our purview or not—go back to the minister and the government and say that given the complexities and the disarray over perhaps another illegal action by this government in throwing these very competent people off, this is not the time to be appointing anybody until that situation is resolved.

My motion is to defer any decision on this until the government has resolved this pending lawsuit.

Mr Kormos: It's just going to cost the taxpayers more and more money.

The Vice-Chair: There's a motion to defer, and a motion to defer is non-debatable. So we'll take a vote on the motion to defer.

Mr Kormos: A recorded vote.

The Vice-Chair: All those in favour of deferring? A recorded vote.

Ayes

Churley, Crozier, Kormos, Sergio.

Nays

Ford, Hastings, Leadston, Newman, Parker, Ross, Wood (London South).

The Vice-Chair: That motion being lost, any further—

Mr Bob Wood: I'd actually like to make a brief comment. I think in fact this man is an outstandingly good appointment. He has a very great background in everything that's needed on a police commission. He has the experience in dealing with people. He has the experience in how a large organization operates. He has the experience in developing budgets. I think he's an excellent appointment.

Mr Kormos: The question? Recorded.

The Vice-Chair: All those in favour of concurrence with this appointment? A recorded vote.

Ayes

Ford, Hastings, Leadston, Newman, Parker, Ross, Wood (London South).

Nays

Churley, Crozier, Kormos, Sergio.

The Vice-Chair: The motion is carried.

Ms Churley: On a point of order, Mr Chair: May I ask a question? I have some requests to make on reports on police services boards. I guess I do that at the end of the concurrence, do I?

The Vice-Chair: We could entertain those questions at that time, yes.

The next appointment is Mr Keogh to the Town of New Tecumseth Police Services Board. Could I have a motion for concurrence?

Mr Bob Wood: I move concurrence.

The Vice-Chair: Mr Wood moves concurrence.

1620

Mr Kormos: I'm going to support this. This gentleman came here and displayed, in contrast to some of the other appointees presented by the government, an enthusiasm about his police services board, an ability and an interest sufficient to make inquiries, to attend a board meeting, to talk with police officers, OPP officers in this instance, about the board and about police work.

He is committed to equity. He is committed to maintaining levels of policing such that the community is secure, notwithstanding that this government, the Mike Harris Tory government, wants to take police officers out of our communities and expose households and individuals to greater and greater danger from crime.

He could well have voted Tory in June of last year. As a teacher he might have been ticked off enough with the previous government over the social contract, but if he thought he was mad then, he's clearly mad 10 times over now in terms of what this government has done to our educational system and to professionals employed there. I'm pleased to support him. I think he's a refreshing and bright and insightful and progressive candidate.

The Acting Chair (Mr Bruce Crozier): Any further discussion?

All those in favour? Opposed? There being none, carried.

That deals with those items that are on the agenda, I believe. Ms Churley, you had comments.

Ms Churley: I have.

Mr Bob Wood: Just so we're aware of this, I think at some point we're going to deal with the adoption of the subcommittee report. I'm sorry to interrupt you.

The Acting Chair: We'll take care of that, sir.

Ms Churley: I'll just be very quick. I've expressed my concerns before. I have broad concerns about the makeup of police services boards under this government, province-wide. I'm concerned that the necessary balance between community experience, policing experience, law and order, business experience, is being eroded. I'm concerned about gender equity and the representation of minorities, particularly in urban areas.

What I would like to ask, therefore, is if the committee can request—and this is where I need a little help—if it's the minister or whoever, to provide to the committee a profile of the police services boards to date across the province so that we can take a look at it and determine, as a committee, whether that kind of balance that's needed, particularly in this day and age—with so many new and specific problems in our communities, we need to look and I think it would help all of us to get an overview and see if that balance is maintained, to see where there are problems, and then the committee can certainly make recommendations back to the appointments secretariat and the appropriate minister if the balance appears to be tipped too much one way or the other.

The Acting Chair: It's my understanding that you can put that question on the record and to the minister. But just to make sure that's the case, I'll ask the clerk. Is that correct? Yes, that question will be directed to the minister for a reply.

Mr Kormos: I know we're close to wrapping up and considering the subcommittee's report, but I do want to make reference—I've got my member's committee expense report here. I understand the per diem rate is $76, tax-free, plus a $23 tax-free meal allowance.

The Acting Chair: It's $27.

Mr Kormos: My God, it's been a long time since I took one—$27. That comes out to over $100. I've made note over the last several weeks during the Bill 26 hearings that a one-day tax-free per diem for a member of this committee or other committees is more than what David Tsubouchi has told an unemployed poor person to live on in terms of food for a whole month. I find it incredible that a government that imposes that sort of demand on our poorest and weakest would then fill out its members' expenses. Under normal conditions I wouldn't fill mine, but I want to tell you why I'm filling mine out today, Chair, and I want to put this on the record. It's important.

I have a constituent in Welland-Thorold. Her name is Stella May Williams. She is 48 years old, mother of a daughter and grandmother of two. Stella May Williams had, for most of her adult life, suffered from mental illness, suffered periods of hospitalization and lengthy and constantly changing protocols of treatment. In the recent past she began to feel a little stronger and a little more capable and had actually started working. She was working 10 to 15 hours a week at a laundromat, earning minimum wage, on her feet, with the heat and the noise of the machines but doing the very best she could. Three weeks before Christmas she received a letter from Community and Social Services advising her that she somehow didn't fit the disability eligibility requirements of this new government, of the Mike Harris government.

Three days after receiving that letter she killed herself, leaving behind a few modest possessions, leaving behind a daughter, friends who loved her, family who cared about her and two grandchildren. She also left behind a poignant suicide note indicating very clearly to anybody who read it, and read it carefully, that she felt there wasn't room for her in Mike Harris's Ontario and that she was too weak, too crushed to fight back. She just couldn't bear the thought of being evicted in January, of not being able to buy the most modest of gifts for her grandchildren from the family benefits allowance received.

She got a welfare funeral. Her family, her daughter and grandchildren, were allowed to spend two hours with her because that's what a welfare funeral consists of. There's no money in this struggling family, yet there's a strong desire by her daughter and grandchildren to erect a

modest monument to her. So I'm going to fill out this member's committee expense report, Chair, and I'm going to collect the money and I'm going to place it into a trust account on behalf of Stella May Williams and on behalf of gathering enough money to erect a modest monument, which I am told will cost anywhere from $1,000 to $1,500.

As I say, under other circumstances I wouldn't be filling out my member's committee expense report, but I do want to say this: This government, as far as Ms Williams's daughter and family and friends are concerned, took Ms Williams's life as much as they took that modest amount of support that a disabled person should be entitled to. Ms Williams was not the author of any of her own misfortune. She had no control over the fact that she was afflicted with a serious mental illness, but she did display courage and tenacity until even that was robbed from her by a government that says there's no place for Stella May Williams and her like here in the province of Ontario.

So I want to go on record to clearly demonstrate why I'm taking this member's committee expense report. I'd be pleased if all the other members took their expenses today and I'd be pleased to accept them and acknowledge them in that same trust account to erect a small monument in the public graveyard in Welland to a brave lady who was attacked by vicious government policies.

The Acting Chair: Thank you. The next order of business, then, will be—I'm sorry.

Mr Sergio: Mr Chair, I had a question. I'm sorry, I'm new to the process here.

First of all, can I ask why staff can't answer to the entire committee when we have a question instead of just whispering in the ear of the Chair?

The Acting Chair: Do you have a problem with that?

Mr Sergio: Yes, I do, perhaps because I'm used to hearing the answer freely and openly.

The Acting Chair: For example, what question was it?

Mr Sergio: The previous question from Ms Churley here.

The Acting Chair: I was the one who asked the clerk. It wasn't a question of the committee.

Mr Sergio: Is this normal or—

The Acting Chair: Yes.

Mr Sergio: Just a question of process.

The Acting Chair: Yes, but the clerk might have something to say.

Mr Sergio: Okay, that's fine. But this wasn't my question, Mr Chair.

My question is, and this would help me and perhaps would assist other members of the committee, why can't we have the information on the other candidates? I know there is one person who is being recommended by the government, if you will, or recommended by the other two parties, but why can't we have the data, personal information on the other candidates available to us? Any particular reason?

The Acting Chair: I can give you an answer to that, but does anyone else want to offer an opinion?

Mr Sergio: The reason why?

Mr Bob Wood: You're on.

Mr Sergio: Okay, if we had thousands of applications I could see.

The Acting Chair: If I could be bold enough to suggest, it is the appointments in council that we are delegated to deal with, and the appointments in council is the list of names and the information that's put before us. Any applications, any background, anything that happened prior to that as far as the selection is concerned I don't think is within the jurisdiction of this committee.

Mr Sergio: I get the wind: bureaucracies. Okay.

The Acting Chair: And I'm on your side.

Mr Sergio: Thank you.

SUBCOMMITTEE REPORT

The Acting Chair: That being it, we'll then deal with the report of the subcommittee, Wednesday, January 24, 1996.

Mr Bob Wood: I'd like to move the adoption of that report, Mr Chair, and move that the reading of it be dispensed with.

Mr Kormos: This is the subcommittee of what date, sir?

The Acting Chair: Today.

Mr Kormos: I don't think people have received a copy of that.

The Acting Chair: You were handed copies of the minutes, yes.

Mr Kormos: Everybody received one? Okay. I am aware of what it says.

The Acting Chair: Any other question? All those in favour? Opposed? Carried.

That being the business for the day, we stand adjourned.

The committee adjourned at 1631.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Chair / Présidente: Laughren, Floyd (Nickel Belt ND)
Vice-Chair / Vice-Président: Martin, Tony (Sault Ste Marie ND)
Bartolucci, Rick (Sudbury L)
*Crozier (Essex South / -Sud L)
*Ford, Douglas B. (Etobicoke-Humber PC)
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*Gravelle, Michael (Port Arthur L)
*Johnson, Bert (Perth PC)
*Kormos, Peter (Welland-Thorold ND)
Laughren, Floyd (Nickel Belt ND)
*Leadston, Gary L. (Kitchener-Wilmot PC)
*Martin, Tony (Sault Ste Marie ND)
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*Preston, Peter L. (Brant-Haldimand PC)
*Ross, Lillian (Mrs) (Hamilton West / -Ouest PC)
*Wood, Bob (London South / -Sud PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Churley, Marilyn (Riverdale ND) for Mr Laughren
Sergio, Mario (Yorkview L) for Mr Bartolucci
Hastings, John (Etobicoke-Rexdale PC) for Mr Newman and for Mr Bert Johnson
Parker, John L. (York East / -Est PC) for Mr Fox

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Wednesday 31 January 1996

Journal des débats (Hansard)

Mercredi 31 janvier 1996

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

Intended appointments

Nominations prévues

Publications

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 31 January 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 31 janvier 1996

The committee met at 1010 in committee room 1.

INTENDED APPOINTMENTS

The Vice-Chair (Mr Tony Martin): Ladies and gentlemen, we'll start the proceedings this morning, seeing as we have somebody from each of the three caucuses here.

ELIZABETH GREVILLE

Review of intended appointment, selected by official opposition party: Elizabeth Greville, intended appointee as member, Pension Commission of Ontario.

The Vice-Chair: This morning we'll start with an interview of an intended appointee selected by the Liberal caucus, Elizabeth Greville, intended appointee as member, Pension Commission of Ontario.

Thank you for coming. Please make yourself comfortable. There's water and glasses just in front of you there that might be helpful. You have the privilege of an opening statement if you'd like, but you don't have to. We normally start with a rotation of questions, but if you have something you'd like to start off with for a couple of minutes, we have an agreement with the Conservative caucus that it will come out of their time.

Ms Elizabeth Greville: Yes, I would just like to make some brief opening remarks, if that's all right.

The Vice-Chair: Sure. That would be super. Go ahead.

Ms Greville: Basically what I'd like to do is to outline briefly my reasons for seeking this appointment to the pension commission. As you all know, sweeping amendments were made to the Ontario Pension Benefits Act in 1987. As part of these changes, the commission was given major new regulatory powers. Since then, the commission has been building a reputation among its stakeholders for professionalism and responsiveness in discharging its responsibilities under the act. I'm attracted by the prospect of membership in such a dynamic agency and believe that with my training and experience I can serve the public by making a substantive contribution to the commission's work.

First, my general professional training: As you know, I'm a qualified lawyer and, as such, understand the principles of fairness, impartiality and conflict of interest and how to apply them as a member of a quasi-judicial body.

Second, my specific experience in the pension area: Pension and the legislation governing it is a complex field. To work effectively as a member of the commission I believe requires both detailed technical knowledge and solid practical experience in applying the act to the operation of pension plans.

I have gained extensive technical and practical knowledge through nearly 15 years' experience in the pension field, both in Canada and in the UK. My principal focus has been as a consultant to management and boards of directors of domestic and multinational clients in both the public and private sectors. I have advised on all aspects of pension plan design, funding, trusteeship, investment, administration, as well as legal and compliance matters. My experience covers defined benefit plans, defined contribution plans, group RRSPs and other forms of retirement savings.

In addition, through active participation in a variety of professional and industry associations, I maintain a pipeline to emerging issues of concern to pension plan sponsors, employees and their advisers. Currently, for example, I hold executive positions in the pension and benefits section of the Canadian Bar Association and the Canadian Pension and Benefits Conference. I've also served as a member of the legal advisory committee to the pension commission itself.

In summary, I believe I am well served and qualified to serve on the commission and look forward to playing a significant role in the work of this agency.

The Vice-Chair: Thank you very much. We'll continue with questions from the government caucus. Mr Leadston.

Mr Gary L. Leadston (Kitchener-Wilmot): I hope you don't mind if we're rather informal, if I call you Elizabeth.

Ms Greville: That's fine.

Mr Leadston: You certainly have a very extensive background in this particular field, and I'm interested in knowing what your opinions are with respect to pensions, how they serve the citizens of Ontario and the firms and the people who invest in pensions, obviously, for their futures. I'd like your opinion in terms of the commitment to that and the assurance that an individual or firm would have in terms of the pensions that they're contributing to.

Ms Greville: I think a lot of the confidence that companies and their employees have in the pension arrangements probably comes back to how effectively the plan design matches up with the business needs and the particular profile of the employee group. I think a lot of the difficulty at the moment is that many defined benefit plans were established in the 1970s, when career patterns looked more like long-service employees working for individual companies. Of course, what's happened is, as we know, with downsizing and significant changes both in business and in employee mobility patterns, defined benefit plans have come in some cases to serve less well the environments for which they were originally designed. So I think to the extent that companies and employees

are dissatisfied with the kinds of arrangements they have, it's because they haven't been able to adapt them as well as they might like to the changing conditions.

The act does play a role in that, because the thrust of the Pension Benefits Act is really towards the regulation of defined benefit plans and tends to work best while plans are ongoing and not too much is happening in respect of those plans. When you try to change the design of your pension arrangements by partially winding up plans or totally winding up plans, you then get into a lot of the complex issues that the Pension Benefits Act causes frustration around.

Although obviously the role of the commission is to administer the act as it currently stands, it also has a responsibility, as you know, to make recommendations to the minister for change, and I think the pension commission can assist some of the problems that we're seeing in maintaining pension coverage both by continuing to expedite its hearings processes, where I think it has made good strides, but also in terms of areas where the legislation might be changed to improve coverage without necessarily having to open up the entire act.

For example, looking at what provinces like Manitoba and Quebec have done to establish a much simpler form of a prequalified defined benefit plan offers an interesting model, and also one of the other frustrations that employers face, because many of them do have employees in a number of provinces, there's the difficulty, as you know, that pension legislation in each province is different. The Canadian Association of Pension Supervisory Authorities' multilateral agreement has been on the table for some time. That would enable more reciprocity and uniformity among the pension legislations of the different provinces and would make it easier and more cost-effective for employers to sponsor plans and also deal with employees moving from province to province.

In summary, I think pension plans can work very well if they're suited to the environment, but I see some areas where the act needs perhaps to make it a bit easier to balance the interests of the business and its employees to help that effort.

Mr Douglas B. Ford (Etobicoke-Humber): I'll call you Elizabeth too. My name's Doug Ford. In your own words, how do you see the role of the Pension Commission of Ontario in light of declining enrolment?

Ms Greville: As I was saying to your colleague, although the commission at the moment has to administer the act as it currently finds it, one of the advantages that the commission has and needs to capitalize on is that its members are industry professionals and specialists. In its mandate, its quasi-judicial role of conducting hearings and hearing certain applications, it really has a lot more expertise than many judges do where pension matters go to court in order to deal with issues and problems under its jurisdiction that arise under the act. So I see the pension commission hopefully continuing to build on its reputation for responsiveness in hearing these applications and dealing with them, but also looking for areas where it can perhaps make recommendations to the minister to streamline different provisions of the act or different policies and procedures to make it more attractive and cost-effective to operate pension plans.

1020

Mr Ford: Do you feel they're effective?

Ms Greville: Pension plans?

Mr Ford: No, the commission.

Ms Greville: The commission. As I say, I've spent 15 years in the industry, and certainly when the pension commission was first set up with its new powers in 1987, there were a number of glitches that needed to be dealt with. Certainly, when I talk to fellow lawyers, other professional advisers who appeared before the pension commission, you do tend to get much better reports and a lot of appreciation of steps that the commission has taken to improve its procedures and processes.

Mr Dan Newman (Scarborough Centre): I have a question. What do you see as the most important component of the pension commission, the administrative side or the quasi-judicial side?

Ms Greville: I guess from my standpoint really, the quasi-judicial side is the key direct activity, because on the administrative side, as you know, the commission appoints a superintendent and the superintendent and his staff are responsible for the day-to-day administration, enforcement, regulation of the act. Because the superintendent and his staff have to deal with all the different pension stakeholders, it's the commission's role as an independent, impartial, quasi-judicial body to hear appeals from decisions that the superintendent has taken and hear other applications. So I think it's in that impartial mode, quasi-judicial mode, removed from the day-to-day administration. The commission has to be there to decide among the stakeholders when cases are brought forward.

Mr Bruce Crozier (Essex South): Good morning and thank you for allowing us to call you Elizabeth. It's much more comfortable.

Ms Greville: No problem.

Mr Crozier: You were the selection of our party to appear, and I thank you for taking the time. The selection was made not so much because it's evident that you're highly qualified for this position with your experience and all of your background, but what you can come to the committee and in the short time we're given perhaps give us some advice that can be carried on beyond that.

You mentioned, interestingly, that not always do judges make the correct decisions. I wonder if it has any reference to or if you would comment on the fact that recently of course the government decided that in the case of the public service pension plan that it was going to treat it differently than private plans are treated. It went to court. The government lost. And now we find that the government said, "Well, we'll take care of that; we'll change the law."

But more basic to the whole question is, in that instance, would that be one of those cases where you felt the judge made the wrong decision, and secondly, would you care to comment on the whole idea of the winding down of plans and who is entitled to the funds and that part of the issue?

Ms Greville: I won't try and comment on the specific case, obviously, but in terms of the broader considerations around the partial windup and total windup provisions of the act, as you know, they have been one of the biggest sources of frustration to employers and employees probably since the act was introduced.

Rather than trying to decide whether the judge made the wrong or right decision, I think one of the difficulties is that really the whole thrust or 99% of the thrust of the 1987 legislation was geared to protecting the interests of plan members. That was the real plank of the legislation.

The partial windup and the windup provisions, as you know, there are special so-called grow-in rights and other things that come into play that give accelerated benefit entitlements to employees affected by the windup. Those accelerated entitlements don't apply to the members who may remain in an ongoing part of a partially wound-up plan.

One of the fundamental difficulties with particularly the partial windup provisions is, first, the act is not as clear as some people would like it to be on what constitutes a partial windup. There are phrases, as came up in the OPSEU situation, like, "a significant number of employees being affected." What does that mean? With other cases that are before the courts, there are various interpretations trying to come up with what "significant number" really means. So the first problem, as I say, is there is a fair bit of discretion that the superintendent has in deciding whether or not a partial windup has occurred.

The second problem with I think the partial windup provisions and the accelerated rights is that you also bring into play the funded position of the plan, because if under the terms of the plan employees are entitled to surplus on a total windup, then the regulations have been interpreted to say that they're also entitled on a partial windup to a share of the surplus if they're affected by that windup, because you have to have the same rights in a partial windup as you do in a total windup.

So, the difficulty that that presents, particularly if you have plans, which you do, where because of changes in business circumstances you can end up with not only one but several partial plan windups, you end up with a situation where, say, the first time a partial windup is declared the plan is in surplus, the employees going out at that point you may say get a windfall that the remaining employees, or on a future partial windup the other employees, wouldn't get.

So I think that this whole matter of equity in treating employees on a partial windup is something that the current act doesn't deal with very well, because, as I said, the way in which it comes about that employees going out under a partial windup would end up having a share of the surplus at that moment in time comes about simply because of wording in the regulation that's very general.

Mr Crozier: I would hope, then, that in your duties, and they're listed here, "The duties of the commission are to...make recommendations to the minister in respect of pension plans," perhaps you could follow through on that.

Ms Greville: That is an area, yes.

Mr Crozier: A very basic question, maybe it goes to this: Do you think, in your quasi-judicial mode, that there should be any difference between the way an employee is treated in a pension plan in the public service as opposed to private business?

Ms Greville: My personal opinion is, if the act covers the public and private sector, there shouldn't be a difference. The act binds the crown.

Mr Crozier: That's a very simple answer. I trust that you'll pass that recommendation on to the minister.

Mr Michael Gravelle (Port Arthur): Good morning.

Ms Greville: Almost my namesake, but not quite.

Mr Gravelle: Yes, exactly. They were asking if we were related earlier.

I'm just curious about what your opinion is on the concept of benefits being locked in. I guess the principle of basically locking them in till retirement, it's certainly not difficult to understand why that principle's in place, and it makes sense, but we are in an environment—and certainly just from a point of view of people coming into my constituency office, people have come to me and they've been in a situation where they were leaving a position and wanted to get their pension benefits and weren't able to get them because they were locked in. I think we obviously are in an environment now where people are in more desperate straits at times and from their point of view it seems like, "Gee, I should be able to have it."

As I said, I think one can understand the logic of having it locked in. But I'm curious as to your opinion on that, as to whether or not you would think there should be some flexibility or more flexibility put in the system. I guess as it presently stands now, it's only in extreme—and I don't know what those extreme circumstances are whereby they would release those funds, but I'm curious—

Ms Greville: It's usually in the case of terminal illness.

1030

Mr Gravelle: That does make sense. But what is your thought on that? Those people who have come to me, and obviously I have no influence in any way at all in that situation and I have to tell them that, are desperate and they very much need it and they view it as their money. They don't want to wait, so it becomes one of those things where you personally feel very badly about it. On the other hand, that's the way it works.

Ms Greville: Yes. I think again, as we were saying earlier, in all the 1987 amendments a major thrust was this business of protecting the interests of employees, and the locking-in provisions were seen to be part of that. I guess in terms of the way the legislation currently stands, my view would be that if that part of it was going to be rethought, then other aspects of the legislation would have to be rethought as well.

The difficulty is that if you've already got a pension plan in place that's subject to the act, then the locking-in provisions apply. For employers who don't now have a plan or have wound up their pension plans or are otherwise phasing them out, then obviously there are other forms of retirement savings arrangements that one can implement for employees who don't have the locking-in kinds of provisions like group RSPs and different kinds of profit-sharing and other arrangements.

I understand the economic hardship issue that can be caused by the locking-in provisions, but I do think at the moment it's an integral part of the act. We have had some experience with other kinds of plans, thinking through guidelines that the employer might draw up allowing employees to make withdrawals while in

employment. For example, in different kinds of profit-sharing plans, it's not unusual to allow withdrawals in certain cases of economic hardship and illness and so on. The difficulty with the economic hardship one is coming up with suitable rules. Nevertheless, if the minister was to decide that this was an area of worthwhile investigation and was looking to the commission to provide advice, I think, as I say, with some of the work that has been done in coming up with guidelines for other kinds of plans, that's a possibility.

The other model, or semimodel I guess, that we have on the question of access to money that an employee has accumulated, there have been a couple of situations on the life insurance side where the CLHIA, the Canadian Life and Health Insurance Agency, the umbrella agency for life insurance agents, has, for example, enabled AIDS sufferers to borrow against their life insurance entitlements and things of that nature. So there may be some creative ways for freeing up some of that money.

Mr Peter Kormos (Welland-Thorold): I have some familiarity with the pension commission. I've read the résumé. This nominee is outstandingly qualified to serve on it. I do note that she was chosen or nominated by the selection committee of the pension commission itself, which is a highly appropriate way to do this process. She appears here in stark contrast to some of the dogs that the Tories have dragged here over the last several months, some of the Tory hacks who have been mindless and disinterested in others, other than in their devotion to Mike Harris's Reform Party Ontario. I'm not going to waste her time or the committee's time with any questions. I wish her well and I'm confident she will serve the province in an outstanding way.

The Vice-Chair: Thank you very much, Ms Greville. Your being here today was quite helpful.

GARY NADALIN

Review of intended appointment, selected by third party: Gary Anthony Nadalin, intended appointee as member, City of Guelph Police Services Board.

The Vice-Chair: Welcome, Mr Nadalin. Please make yourself comfortable. Do you have an opening comment you'd like to make?

Mr Gary Nadalin: Yes, I've prepared a brief statement which really summarizes some of my community involvement, which I think has applicability here in terms of determining my suitability for the police services board.

First of all, I'd like to thank you for the opportunity to meet with you regarding my desire to serve on the Guelph Police Services Board. I understand that I have an opportunity at this point to provide the members of the committee with a brief overview of my experience and qualifications to serve as a public appointee.

My name is Gary Nadalin, I'm 44 years of age and I've lived in the city of Guelph for the past 20 years. I have been with the University of Guelph for the past 17 years in a number of positions but most recently as the director of community relations. This position is relatively new but one that has some bearing on my candidacy for the board.

As a director it is my responsibility to develop, direct and monitor our relations with the broader local community, including the city of Guelph and Wellington county. Through regular contact with key community leaders and meetings with city and county officials, I have been able to coordinate some of the university's activities within the local and regional areas and to enhance the university's relationship to the Guelph community.

I also advise the president and senior administration on local issues and strategies on community initiatives that will affect the university. Through this position I have regular contacts with community leaders and opinion makers within various sectors of the community, such as business and industry, labour, municipal and regional government, local boards of education, the cultural community and the professions.

In terms of my community affiliations I am currently a director of the board of the Guelph Chamber of Commerce, a director on the downtown board of management, a member of the citizens' committee for the performing arts centre, the chair of the board of the Guelph civic centre, a member of the Guelph convention and visitors' services board, a member of the council at Dublin Street United Church, a captain for the annual cancer fundraising drive, a Big Brother and a Rotarian.

What all this suggests is that I have a number of contacts within the community, and through my involvement both at the university and outside I also have a very good feel for the community issues and the role that such things as the police play in community life.

Personally, I believe that everyone has a responsibility towards the community in which we live. My community involvement is based on the simple premise that the quality of life is determined by the amount of time that people devote to active community involvement. Guelph is the community I have chosen to live in and the community in which my wife and I are raising our family. It is a vibrant, caring, diverse and relatively prosperous community.

Through my community involvement, and probably better than most citizens of Guelph, I have an understanding of some of the issues that face our community, including controlled growth, sustained economic prosperity, retention of the quality of life that we now enjoy and the maintenance of a safe, respectable and clean municipality.

The Vice-Chair: Thank you very much. We'll lead off this round with the Liberal caucus.

Mr Gravelle: Obviously you have a very interesting and important and valuable background in Guelph and obviously you sought the appointment, and I'm curious as to how that process went about. Did you literally seek the appointment? I notice you did talk to somebody from the minister's staff. Were you approached by them, sir?

Mr Nadalin: I was originally approached by people in the riding, the constituency office, who asked me if I would be interested in serving on the board. It was something I had not considered before but considered at that time and as a follow-through consequently applied for the position.

Mr Gravelle: If I may ask you, were you involved in the election campaign of June 1995?

Mr Nadalin: No, I was not involved in the campaign.

Mr Gravelle: Your background reads very impressively in terms of your involvement in the community, and obviously I'm curious, if you can give me some of the ideas you have in terms of the police services board if you have, obviously, some concepts or ideas of what you might want to bring forward or bring to the police services board that would change things.

I note there's a female chief of police. That's an encouraging thing, isn't it, for the town, and obviously there have been some changes. I note too that they seem to be administratively in pretty good shape in terms of some of the plans they have put in place. But in more of the overall sense of what you see needs to be done in the community, can you give us an idea of what that might be, or some of your ideas?

Mr Nadalin: Yes. As you accurately note, we have a female police chief, which we're very proud of, and certainly in terms of her responsibilities she's looking at a long-range strategic plan and trying to look at changing some of the structure of the police services in Guelph.

Primarily I think one of the issues that confronts her right now is providing for more front-line officers, and that involves a pretty substantial restructuring. I think there was an attempt last year to try and do that, not as successfully as I think she wanted to, but I think that planning goes on and I agree with that process. I agree with shifting the role of the police, putting more of the emphasis on front-line officers and maybe decreasing the amount of administrative work that's required.

1040

I also believe in the concept of community policing, but I don't believe very many people understand what that means. It's not simply a question of adding on services to existing services or putting police on bicycles or those kinds of things. It's a question of visibility; it's a question of communications; it's a question of involving more of the community at various levels, maybe doing some of the things that police officers and staff do right now through volunteer efforts, for example, and providing more of an outreach and an understanding within the community of what the police service is all about and what it does within that community. That whole public relations-community relations role is an intriguing aspect and one that will require some attention in the future.

Mr Gravelle: I'm from Thunder Bay and they moved into community policing in a really positive way in our city. It has been really interesting just seeing the results in terms of the community itself once they do understand and start to relate to how the communication improves and the whole relation between the police and the community. It works, and it seems to be something that's happening in more and more communities. But it also costs some money to do it. It's very interesting.

I had no other questions. Bruce or Richard, do you have any?

Mr Crozier: The question of money: As my colleague has just said, some of these things cost money and recently in the expenditure area it would appear as though police services funding may have been cut in that it's all rolled into one envelope now rather than a per-household grant that was given to police services previously. Are you concerned about the funding for police services in Guelph in particular?

Mr Nadalin: I'm concerned about the funding as it applies in a number of areas. I think the challenge in front of us obviously right now is the fact that government funding is being cut in a number of sectors and the challenge is particularly, in terms of police services, to try and keep that quality of police services up when confronted with the reductions in funding.

I think there are a number of ways that we can look at doing this. I'm not altogether unopposed to what the minister has decided to do in reviewing, for example, police services and the role of police services boards and those kinds of things—I think that's certainly appropriate—and probably looking at different equations in terms of how the funding will take place in the future.

I don't have a specific answer to how that should be done, but I would be remiss if I didn't say I have a concern about the quality of policing. I want to make sure that it stays the same, despite the fact that we do have a challenge in terms of how we fund police services in the future.

Mr Crozier: Were you aware or are you aware and subsequently does it concern you that when it comes to questions of funding, and a lot of us are concerned about accountability, if there is a difference of opinion between the police services board and its budget and the municipal council, that then goes to the Ontario Civilian Commission on Police Services and essentially someone outside of the community who has even less accountability than an unelected appointee to the board decides what that budget is going to be? Is that of any concern to you?

Mr Nadalin: I'm aware of that. I'm not aware of how the process works entirely, but I would hope in the way it's referred to the board, OCCPS, that some of the perspective from the municipality becomes clearer and some of our—I would assume, for example, that the position of the police services board would be reflected in those discussions. As I said, I'm not exactly sure how that board works, but it would be my hope that some of those issues are raised and reflected in how the decision finally is made.

Mr Crozier: I certainly share that hope with you, not only in Guelph but in other boards as well.

Further to that, of course, there are changes in the Arbitration Act. Again, the decision for funding on your police services may be totally out of your hands in that the community has to show, among other things, whether it can afford the cost of the police services board budget that's being proposed. It may be the Ontario civilian commission that makes the decision on the one hand or it may be an arbitrator on the other hand.

The difficulty you're going to have is going to be challenging, I think, to still provide the same level of service, and perhaps, as we all want to do, maybe even improve it, and yet do it within the financial constraints that are going to be put on you as a board member. You're going to be expected, on one hand, to provide protection, safety for the community, yet on the other hand, you're going to do it with one or both hands tied behind your back. Your challenge certainly is a formidable one.

Mr Nadalin: Absolutely, and I recognize how daunting a task it will be, but as I said, I hope, and it is my desire, that those issues are dealt with at the local level. I would not want to see them go beyond that. I feel confident, based on my community experience, that there are solutions we can find within the municipality rather than having to go outside for decisions and arbitration.

Mr Richard Patten (Ottawa Centre): Following on this question, in terms of living with frugal dollars and in terms of the police forces and their responsibilities as a response to the federal government's legislation on the new gun registry laws, have you had a chance to explore any of that or do you have any views concerning that?

Mr Nadalin: Very briefly, and my comments are limited, but I do overall agree with the principle of the legislation. My concern regarding the legislation is how effective it's going to be in fact, and whether through gun registry we stem the flow of guns, the transportation of guns across the border, guns being provided to the criminal element.

I don't know if that necessarily will result from the legislation that has now been passed and will be put into place over the next few years. As I said, in principle I agree with the legislation and what it hopes to achieve, but I do have some concerns about the effectiveness of that legislation and whether it will in fact result in a reduction of illegal use of firearms in this country.

Ms Marilyn Churley (Riverdale): As a woman quite concerned about equality for women, and I'm sure many of us feel the same way, I'm very proud of the Guelph experience in appointing the first woman as the chief in all of Ontario. Congratulations on that. You didn't have anything to do with it personally, did you?

Mr Nadalin: I can't say thank you or take any credit for that.

Ms Churley: But you're representing Guelph today, and we're very proud of that.

On that note, I want to ask you a question about employment equity. As you know, this government repealed the NDP Employment Equity Act, which I was very proud of. There were concerns expressed, and indeed the Conservative government viewed it as a quota law.

Interjection.

Ms Churley: Well, yes. I have the floor now.

Mr Kormos: During the election and afterwards.

Ms Churley: It wasn't a quota law. In fact, many of our supporters were very angry at us because it wasn't a quota law. We all agreed that people should be hired on the basis of merit.

Previous to the NDP Employment Equity Act, the police had their own employment equity within the Police Services Act. This government decided not just to repeal our employment equity bill but also to repeal the employment equity provisions of the Police Services Act, which quite frankly really disappointed me, because the police had shown leadership in this issue for years before others did and led the way.

My question is, obviously you can't do anything about putting that back, but what are your views on employment equity and how would you see your police services board ensuring that there are employment equity provisions made to replace the ones that have been removed?

Certainly in my riding in Toronto, we still have a huge problem. There's a big Chinese community—and others—which is underrepresented. There are obviously other problems with some ethnic groups in terms of compelling them to join the police force. We know there are deep-seated systemic problems as well. I'm just wondering what your views are and how you would see dealing with it.

1050

Mr Nadalin: First of all, it's difficult for me to comment on the experiences in other municipalities and other ridings but I believe that the police services function should be reflective of the community. I agree with that wholeheartedly and support it.

I also believe that we have a unique situation in Guelph, having a female police chief, that I'm confident will result in more of an awareness of those issues in terms of equity. To be honest with you, I cringe sometimes at legislating changes such as equity, because I don't feel that the general population really understands it and does, as you say, view it as a quota system, fairly or unfairly.

Ms Churley: When some people tell everybody that it is a quota, yes.

Mr Nadalin: Yes, but there is a perception of that. My view and my hope again is that a lot of these issues can be resolved within the municipality and within the police services and the board working with police services to accomplish that, and I believe we are going in that direction. I think there is a sensitivity to that issue. I would indicate to you, based on what I know of the police services board, that that is a balanced board. It does reflect the community and there are enough people on that board who have a variety of views regarding this particular issue that you will see some creative tension, shall we call it, but also an awareness of the issue and trying to deal with it. But again I strongly believe these are issues that should be dealt with within the confines of the municipality and that police services should reflect the composition of our citizenry within Guelph.

Ms Churley: Can you say that you personally are committed to ensuring, while you sit on the board, that that issue be addressed?

Mr Nadalin: I'm committed to making sure that the police service of Guelph reflects the needs of the community adequately and that everyone within the community feels that they're represented by their police force.

Mr Kormos: Thanks for coming here this morning. Again, I should tell you right off the bat you're clearly going to be approved for appointment to the police services commission in Guelph. You have qualifications that surpass those of a whole lot of people who have been trotted before this committee by the government.

What's interesting, though—I've got to note this, in that I haven't seen a single woman nominee to a police services board during the course of this government's appointment. That's quite interesting.

Ms Churley: They've been taken off of them.

Mr Kormos: That's a remarkable thing. There is of course the inference that could be drawn that the Tories don't believe women are competent enough to serve on police services boards because up in Ottawa—oh, you'll

like this—this government fired four members of the Ottawa-Carleton police services board illegally and they're going to get their butts sued off. Talk about a government that's interested in saving taxpayers' money. They're going to get drawn through the courts and the litigants are going to win because of the zeal that this government had to dump women off the police services board and replace them, albeit with one more woman—that's right. There is one woman appointee.

Ms Churley: Three men and one woman.

Mr Kormos: Three men and one woman. So that's going to be an incredible lawsuit that's going to cost the taxpayer a fortune because of the zeal that this government has to attack women on police services boards.

You were approached by somebody in the constituency office?

Mr Nadalin: Yes.

Mr Kormos: Who was that?

Mr Nadalin: One of the assistants to our member of provincial Parliament.

Mr Kormos: Do you know why they would have contacted you?

Mr Nadalin: I would suspect because of my community involvement and my profile within the community.

Mr Kormos: You suspect that or did you know that these people were—there's nothing wrong with them soliciting interest in these appointments. That's part of the job of the local member—

Interjection: Thank you very much.

Ms Churley: We didn't do that.

Mr Kormos: —to try to find competent people, and I give this government credit that for once it appears they found one in the personage of you.

What sort of things, when you were contacted, were you told you would be bringing to the board that the government would be wanting?

Mr Nadalin: The initial request came to me asking if I was interested. I had no idea of how the police services board worked or the composition or what was involved in it, but I was also, as I said, known to people within the constituency office, and I'd also worked with our member of provincial Parliament, Brenda Elliott, on a number of community related activities prior to her election. I will admit that I have a deep respect for her and her ability. Also, I think I was known not only to Brenda but to her staff as being someone who is involved in a number of community boards and commissions and well known within the community. Also, as I've indicated in my opening statement, because of my involvement with the university and also on community boards, I have a number of contacts in various sectors of the community. So they felt that that would be appropriate.

Mr Kormos: Are you filling a vacancy that exists already, do you know, or are you replacing a member whose term expires?

Mr Nadalin: My understanding is that there were two vacancies on the board. I understand that one of the vacancies was as a result of an expiration of term, and the other person had been removed from the board.

Mr Kormos: That's interesting. It could be another one of those Ottawa scenarios where there's more litigation. The lawyers will love it. Because what they did down in Niagara—you'll love this one too—they dumped two women, once again two women, Adelle Tanguay and Melva Snowling, both of whom were held in high regard by the police department, by the police services board, by the regional appointees, and the government never even talked to the chair of the commission or any of the commission members, any of the police services board members, any of the regional appointments. They didn't even consult with those people prior to dumping Melva Snowling and Adelle Tanguay, they were so zealous to dump women off police services boards.

You've talked about policing and the need for the police force—I assume you're referring to the police force—to be a microcosm of the community it serves. Do you believe the police services board should similarly be representative of the community it's serving?

Mr Nadalin: I don't know if the police services board, given the size of our board, can be reflective of the community, of all aspects of the community. What I would expect is that they are aware of those community views and bring those forward and try to represent the community as much as possible.

Mr Kormos: But you surely don't share the view of this government that women aren't competent enough to serve on police services boards?

Mr Peter Preston (Brant-Haldimand): That's not the view of this government; that's your words.

Ms Churley: Why are kicking them all off?

Mr Kormos: I'm sorry, your actions speak far louder than words, gentlemen. You're illegally firing women to replace them with male Tory hacks.

Do you share this government's view that women are incompetent to serve on the police services board?

Mr Nadalin: No, I don't. But as a matter of fact, I think I might be the only male on the police services board if I'm appointed.

Mr Kormos: Obviously, they've got to get a foot in the door, and I'm proud of the previous appointments. Looking forward to seeing your work in Guelph, sir. Thank you kindly.

Mr Newman: Good morning, Mr Nadalin. One of the key responsibilities of a police services board is to establish policies for effective management of the police force. Given your volunteer experience on the board of management and the strategic economic planning group, do you have any management suggestions at this time for the police services board of Guelph?

Mr Nadalin: Not any more than I've already indicated. I think I'd like to see the transition where we try to reduce the administrative workforce, if you will, on the police service side and put those resources into front-line officers. I also think we're looking at a police service that probably could use not so much a bit of an overhaul, but certainly some reflection in terms of the management side, in terms of strategic planning and looking at what the goals and objectives are going to be down the road. There's a challenge in front of this community, given the fact that the growth potential for Guelph is pretty significant over the course of the next 10 or 20 years.

Mr Newman: What's the population now?

Mr Nadalin: Right now we're at approximately 90,000, but that's projected to shoot up to about 120,000,

and our projections on the police services side don't indicate that we're going to match that in terms of our current ratio. So there is a challenge there, and I think that has to be reflected in the way the police services does its business, how it's accountable, but also the structure of police services in general.

Mr Newman: Are you familiar with some of the initiatives of Police Chief Lenna Bradburn, who, I might add, is a graduate of Midland Collegiate Institute in the great riding of Scarborough Centre, which I represent? I know they're very proud of her back at Midland Collegiate. Are you familiar with some of her initiatives?

Mr Crozier: We won't hold that against you.

Mr Newman: Even though I went to R.H. King, but that's okay.

1100

Mr Nadalin: Yes, I am. As I mentioned off the top, I'm familiar with her desire in terms of restructuring, her desire in terms of reorganization, and her attempt to try to do that through the implementation of a buyout package last year which, unfortunately, wasn't as successful as she wanted it to be.

But what I'm also pleased about and what has happened with Chief Bradburn is the fact that in her community, the community awareness of police services has shot up dramatically, not only because of the fact that she's a woman, but also because I think in the last year she has had maybe something in the range of 160 speaking engagements in the community and beyond. And so she's out there speaking to groups—service clubs, Rotary, Kiwanis, those kinds of things—and making them familiar with some of the issues and actually taking on much more of a public relations role than had been previously the case.

Mr Ford: As the director of community services at the University of Guelph, how do you feel that the police services board can serve the community of Guelph?

Mr Nadalin: Again, I think the police services board should be representative of the community generally. It has to be aware of the community values and the community views. It has to be representative of all the members of the community. We have a number of people who have various expertise on the board, management expertise and legal expertise and other types of expertise, and who bring that forward as we discuss some of the issues that are going to be coming forward, particularly this issue of budget, with the city. We're going to be getting into a pretty heated debate, I would suspect, in the next little while regarding the size of the police services budget for the coming year, and trying to balance that with the reduction in provincial assistance and grants.

You asked me how the police services board could—

Mr Ford: How the police services board can serve the Guelph community. Are you happy with them right now?

Mr Nadalin: Personally, and again my view is somewhat limited, but I think they have been rather hidden within the community perspective. I don't think much of the community understands what the police services board is and what it does.

Also, I think there has to be more of a public relations campaign to make the community more aware of what it does and try and get people to come forward with their comments. That could mean doing different things: staging meetings differently, inviting people to attend the public aspects of those meetings and trying to be more active in soliciting views from the community.

Mr Ford: So with your appointment, you believe you would be more active in this area to make the community aware of what's going on?

Mr Nadalin: Yes.

Mr Ford: Good. I have another question. Could you tell us a little bit about your role in the community itself, in the Guelph community, your community involvement?

Mr Nadalin: As I've indicated, I sit as a director of the chamber of commerce. I'm on the board of the downtown board of management.

Mr Ford: How long have you been on these boards?

Mr Nadalin: The chamber of commerce board, I've been on for two years. The board of management, I've been on for five years. I've been a member of Rotary for approximately two years. I've been the chair of the civic centre board for approximately three years. Most of that community involvement has taken place within, I would say, the last six or seven years, in total.

Mr Leadston: Your background in the community of Guelph obviously has been quite extensive in what I would call marketing the community and promoting the community and strengthening the community. In your role as a member of the police services board, is there any one major initiative or examples of initiatives that you may introduce or may have the board consider in terms of promoting the visibility between the services board and the police service, the personnel themselves? Is there any thrust or any initiative that you have given any thought to?

Mr Nadalin: I think, as Mr Ford indicated, it's all in terms of public relations and awareness. I'm not familiar with how, for example, meetings of the police services board are staged, but—

Mr Leadston: You'll be busy.

Mr Nadalin: They'll be busy, I'm sure. But I'd like to see if there is a way of providing more community involvement within the actual meetings. I'd also like to think that members of the board could be more visible within the community, and looking at speaking engagements to service clubs and other groups, because those opportunities exist and we've never, at least from my perspective, heard from them unless there's a particular issue that gets play in the press. I think there's more behind the scenes that could be done, and I'd like to think that I could bring that perspective forward as well as being representative of a number of constituencies and a number of issues that are going to be coming forward.

Mr Leadston: Well, you'll be part of a zone made up of other area police services boards, and there will be frequent meetings with fellow commissioners in other zones. They're wrestling with some of the same concerns. There will be tremendous input from other services boards that have been doing some very innovative things that you can share and network and take back.

Mr Nadalin: Yes, I agree. I think there are going to be some challenges ahead of us. For example, within Wellington county there's a possibility that we may absorb some of the other police services that exist within

the county under one. If that's the case, I think that's an excellent opportunity to do some of the public relations activity that I'm talking about and broadening it beyond simply the city of Guelph into the region and into the county as well, because police services has a role not only in the city but outside.

The Vice-Chair: Thank you very much, Mr Nadalin. We've appreciated your coming here today. Your being here has been helpful.

ROBERT NICOL

Review of intended appointment, selected by government party: Robert F. Nicol, intended appointee as member, City of Owen Sound Police Services Board.

The Vice-Chair: We'll call forward Mr Robert Nicol. Welcome. Make yourself comfortable.

Mr Bob Wood (London South): I think Mr Nicol does have a statement.

The Vice-Chair: When you're ready, you can begin with your statement. We'll be beginning this round with the New Democrat caucus when you're finished.

Mr Robert Nicol: Good morning. I'll just take perhaps a few minutes to give you a brief introduction about myself, my background and my experiences to help you understand why I feel I'm qualified to serve on the police services board in Owen Sound.

I was born and raised in Owen Sound. Upon graduation from high school, I came down here to Toronto to attend Ryerson in a business course. I graduated from that course in marketing, and at that time I accepted employment with one of the major banks, a short career there, and then went on to work for a pharmaceutical company, which took me to Windsor. I worked down there for a couple of years, met my wife. At that time, she and I decided that I'd like to get into a business of my own and go back to my home town.

About 18 years ago I started my own business. I'm an insurance broker, and I'm a real estate broker as well. I operated that business, and that business grew. About 10 years ago, I split the real estate part of it off and bought a franchise and just a year ago sold that business. So I'm no longer active in the real estate business, just the insurance business.

I've been involved as a board member and president of a number of organizations in the community over the years. I'm a Kiwanian, past president, and also served as a lieutenant governor for Division 10 of eastern Canada and the Caribbean. I'm past president and a past board member of both minor hockey and minor baseball in Owen Sound. I sat on the business advisory committee for Georgian College, which is the local campus of a community college. I'm a past president of the Owen Sound and District Real Estate Board as well. Currently, I'm the president of the Owen Sound and District Chamber of Commerce. I sit on the board of management for the downtown improvement area. I'm also a member of the Owen Sound economic development and tourism advisory board.

I've had a considerable amount of involvement with many different civic organizations and groups through my business and other organizations. I feel I've learned a lot about working in that type of situation, as a board; not only that but as an employer, with a business that I started on my own and now has 21 associates. So I'm here to present myself to you today.

The Vice-Chair: Thank you very much. We'll start with the New Democrat caucus.

1110

Mr Kormos: Once again, you should know that you're going to be approved; there's no issue with that. Indeed, your work with Kiwanis, with minor hockey, is in itself impressive because Kiwanis is involved in all sorts of community activities as well as with young people, which is highly relevant, mind you, to some of the considerations that a police services board has to undertake. You're up in Bill Murdoch's riding, aren't you?

Mr Nicol: Yes.

Ms Churley: Don't ask him development questions.

Mr Kormos: I like Bill. Bill is cut very much from a different cloth than most of his colleagues here in the Legislature.

Mr Nicol: We had to send someone similar to Eddie Sargent, to follow in his footsteps.

Mr Kormos: He was when he was a member of the opposition before 1995 and he is now. I have a lot of regard for him and I consider him a friend.

In the insurance brokerage industry, one of the crises being faced by brokers now is the phenomenon of insurers cutting brokers free, using their placement of their companies with brokers as a way of controlling the intake of insureds. Has that been a problem up in Owen Sound as it has in the rest of the province?

Mr Nicol: I'm not certain if I understand that question. Maybe it isn't a problem in my area. You're saying that people are stopping their—

Mr Kormos: Some brokers are down to one insurance company here in Toronto and in other parts of the province.

Mr Nicol: Oh, I see.

Mr Kormos: Of course they can't advertise that. It's a real catch-22. It's a real dilemma.

Mr Nicol: I would say that problem is more apparent in the larger centres than it is in the smaller communities. We have the fortune of dealing with a lot of smaller farm mutual companies in our area and that gives it a lot of broad base and so we don't have the same difficulties, plus especially with automobile insurance we don't have the same difficulties in a small community that you have in Toronto.

Mr Kormos: Or Niagara. Or London, or Windsor, or Ottawa. It's just come up in those places. Again, although the government is introducing the insurance companies' version of an I've-died-and-gone-to-heaven insurance plan, because again the industry picked this government's pocket and essentially what Sampson's going to be releasing is the OMEGA plan—that's obviously a different committee. What sort of things do you think you have to contribute to a police services board, and I guess in particular to Owen Sound's?

Mr Nicol: As someone who moved back to Owen Sound because I appreciated the quality of life in a small town, I think certainly the police services board plays a very important role in that. We sometimes take for

granted what policing does for us and sometimes we blame them when something doesn't just suit them, but in fact I think the police are a very important friend to the community. Through my work in Kiwanis and other groups, I've had the opportunity to touch base with a lot of police activities. As an example, our Kiwanis club got involved with a bicycle rodeo safety program where we encouraged safety and we sponsored it and funded it and worked at it and so on. Out of that, through discussing with one of the officers who looks after that area in Owen Sound, it was identified that it was important to get kids wearing bicycle helmets. So myself and another business owner who is in the sporting goods business jointly put together a program where officers in the community would ride around on their bicycles. If they spotted a child with a helmet, they would give them a free T-shirt. It was just one thing that we could do.

Mr Kormos: Beats the heck out of pepper spray.

Mr Nicol: They don't use the term in Owen Sound any more, "police force," because it has the wrong connotation. Force isn't what it's all about. What's important is that police officers should be able to resolve conflict, find solutions and help to prevent crime rather than simply address it. We're still pretty fortunate in Owen Sound not to have high levels of crime.

Mr Kormos: What drew you to placing yourself as a nominee for this position?

Mr Nicol: Because I'm in the insurance business perhaps, I see the element of crime and the effect it has on people, the impact of break-ins and vandalism and so on. I do feel it's a very important part of the community. I felt it was something I would enjoy, be interested in and bring the type of experience that would help.

Mr Kormos: You had your attention drawn to the ad in the paper, I trust?

Mr Nicol: In fact, when the former chair of the police board resigned—it was known in the community that he had resigned and that it created a vacancy—at that time I expressed an interest. I did some research and found out whom I should contact and sent a letter at that time requesting information and expressing an interest. That was, I believe, back last August. I was told that until the new government was formed, new cabinet and so on, there wouldn't likely be a placement. So I had expressed interest and applied long before the ads were in the paper.

Mr Kormos: That was August 1994?

Mr Nicol: August 1995, I guess it was.

Mr Kormos: Because the election was in June 1995.

Mr Nicol: Well, all right. It was back in the summertime. It was before the election.

Mr Kormos: Okay, fair enough.

Mr Nicol: Yes, it was when your government was still in power.

Mr Kormos: At that point, we could hardly be spoken of as being in power any more than a police force could be spoken of as—

Ms Churley: Peter, don't digress here. Get on with it.

Mr Kormos: Well, it was the end of the mandate, for Pete's sakes, Marilyn. Let's be candid about these things.

And you submitted your name then?

Mr Nicol: I sent a letter expressing my interest and asking for information, yes.

Mr Kormos: Fair enough. And then what resulted in your obviously being selected by whatever selection process there was in this round?

Mr Nicol: The only process further to that letter that I sent expressing my interest, presenting my credentials, at that time was that I had a telephone interview with some people from the government agency and then the next thing, I received a letter advising, "Here's the process and your name has been approved by the minister and you may have to meet with this committee."

Mr Kormos: Interestingly, and you might have picked up some of this from the last person who was here, our discussions with him, this government has been dumping women left and right from police services boards and by and large replacing them with men, other than one woman out of four new appointees at the Ottawa-Carleton, leaving the irresistible conclusion—I mean, one is irresistibly drawn to the only inference—that this government doesn't think women are competent to serve on police services boards. You don't share that view, do you?

Mr Nicol: I have no idea who else applied for this position, and if any of those women had as good qualifications or better than myself I would be disappointed if they had selected me over that person simply because I was a man.

Mr Kormos: That's refreshing to hear, because you are indeed a bright light among some pretty dim bulbs here in the government benches at Queen's Park with that type of insight.

What sort of goals do you have for the police services board and policing in general in Owen Sound? Obviously you've been involved in a whole lot of things. You know what it's like to be appointed to a committee or a board and you go there with something of a personal agenda. You want to leave something behind when you've completed your work, whenever that happens to be. So what sort of agenda do you have? What sort of goals do you have?

Mr Nicol: I don't have a strong personal agenda. I think it's important for the police services to further entrench themselves as part of the community, not to be seen as a separate sort of stand-by-themselves force to be dealt with. I would like to work with an assistant. I might add that I think the police services in Owen Sound are excellent. The officers and the way the policing is carried on is great. So it's not a situation of it's broken and needs fixing. I just simply want to bring my experience and work with, to improve upon, what is already there in a very positive way.

Mr Kormos: Obviously we've seen police under attack, if only by virtue of Bill 26, in terms of the low regard that the government holds for them. Are you committed to maintaining policing levels in Owen Sound or do you buy into the proposition that there are simply going to be fewer police officers and those who remain will have to pick up the slack?

Mr Nicol: I'm committed to the concept of providing the same level of police services as all other services. The big challenge is how is it going to get paid for now.

Mr Kormos: You got it.

Mr Nicol: And I think this is where people and police services boards perhaps need to go to the community and

say, "If the police need, say, a particular piece of equipment, let's do a fund-raiser." We have a hospital foundation in our community that goes out and raises money for equipment for surgeons to use. Why not do the same thing for police officers? Really it has to do with good health, policing, as well. I think those are the challenges and that's the direction the police services boards have to move, realizing that if there's a need in the community that policing has, let's go out and find where those funds can be raised. I know in our community we're a very generous bunch.

Mr Kormos: But it's a pretty desperate situation when cops are called upon to do bake sales—

The Vice-Chair: Mr Kormos, your time has elapsed and we're going to move on to the government caucus for questions.

Mr Nicol: Sorry, I couldn't hear your question.

Mr Kormos: I just said it's pretty desperate and a pretty sad reflection on leadership within the government, or lack of it, when cops are called upon to conduct bake sales or set up lemonade stands to buy police cruisers without so much regard—

Mr Nicol: I'll do that. The citizens will do that, not the police officers.

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Mr Ford: Mr Nicol, welcome this morning. I have to commend you for your community service and your fellow Kiwanians. I was giving them a speech yesterday, approximately 50 of them, and they gave me a little presentation.

Interjection: Graft; you'd better declare it.

Mr Ford: One of our friends across the board here seems to think all women should be on the police force, 50-50. Well, there's a disproportionate number of men incarcerated across this country and I think it's probably on the basis that they select that board that way. Anyway, Mr Nicol, how will your business management experience be of assistance to this board?

Mr Kormos: What a stupid thing to say.

Ms Churley: What a stupid thing to say.

Mr Ford: It's a stupid thing. Everything Mr Kormos says is intelligent. So I'll get back to you, sir. How will your business management experience be of assistance to this board?

Mr Nicol: I think that a police services board has to be operated just as a business. There have to be efficiencies, there has to be ingenuity and leadership and through my business background and my involvement with other community organizations, I've had enough opportunity to develop some of those skills and I feel I can bring them to the table when it comes to the board.

Mr Ford: Good. I think with your background of community experience, you'd be well aware of the many things going on in your area anyway.

Mr Leadston: Bob, you grew up in your community and you're familiar with it and established a business practice and involved in community activities. Obviously you know the police force services personnel well. Is there any one initiative or is there any particular challenge that's unique to Owen Sound that you may wish to address as a member of the police services board?

Mr Nicol: I don't know of anything that would be considered to be unique to Owen Sound. I suspect that the challenges for the Owen Sound police are the same as they are right across this province. Certainly we are very fortunate in Owen Sound to enjoy what I would call—because it's a small community—a high quality of life. Crime and the involvement of police in that community to maintain that is that much more important to me and so I would like to do everything I can to see that the police have everything they need to do their job effectively and to help them have direction in doing it.

Mr Newman: As a representative of your community, what do you feel are some of the concerns of Owen Sound with respect to policing?

Mr Nicol: I think there's a concern that certain elements in the community see the police as their enemy, as opposed to someone who can help them and work with them. We've had a few situations that involved youth and I was absolutely horrified at the attitude that this was—this took place at a fall fair, where a group of kids started to push and kick police officers. I couldn't believe that in Owen Sound something like that happened. That's not what happens in Owen Sound, that happens in Toronto and Windsor and places like that.

The initial reaction of course is, "Well, gee, that's not right, those kids need to be dealt with," but you have to get to the problem—what's causing them to feel that way?—and try to find something that you can do in the community, create a different impression. The police aren't there to hassle them, the police aren't there to stand in their way of a good time.

Mr Newman: So with your example of problems with youth at that particular time, what would you suggest the police do to enhance the image or people's perceptions—

Mr Nicol: I think they've already done a lot. They've gone to schools, they've spoken to schools. They've talked about policing and what it's all about and what their role is and what they need from the community. They've tried to communicate with the youth to overcome those kind of problems, to hopefully lead to elimination, would be ideal, of those kind of situations where youth perceive the police as—

Mr Newman: Are there any other groups they've worked with, other than the youth?

Mr Nicol: The police, from what I've seen, have worked with a lot of groups. They've worked with the women's crisis centre, they've worked with service clubs, they have an officer who is a community service officer—I believe is his title—and this gentleman is just tremendous. He's done a wonderful job for the community in terms of getting out there and bringing the voice of the police and working to—he was the gentleman I set up the bicycle helmet program with. Anybody comes to him, he's great. He's come to different groups that I've sat on for assistance.

There was a citizens-on-patrol program set up where citizens patrolled around just in their cars at their own expense and their own time, just watching for problems in the evening and so on, and if there was a problem they had radios. They needed money in order to buy hand-held radios, so there have been a lot of initiatives taken, as there should be.

Mr Patten: Welcome, Mr Nicol. Given the regulations it seems more and more that police are under these days which confine, it seems to me, the very roles of the police services board, what kind of influence do you think you can have related to the effectiveness of the police, in terms of what they do, how they do it?

I have another question which I'll follow up on related to community-oriented police forces, because you sound like that's your orientation and you've used a few examples that illustrate how police can get involved in your community. And yet, there seems to be a prevailing capital-C sort of Conservative view of: "Boy, our police have to be tougher and they just have to be straighter and never mind all this nonsense, weepy, socialist stuff, of being involved in the community. We have to dump that sort of thing."

And yet, you sound like you think the police services should be more in tune with the people in their community, more involved, and that they should be working hand in hand in many ways. Would you comment on that?

Mr Nicol: The police services, as I've said, are very involved in our community and I suppose, regardless of what government legislation is passed, police services have to enforce the laws as they are presented to them at the local level. They can't decide that they know best. That's probably always been the case, but certainly it's a case of knowing your community. If a police services board knows its community, it should be able to address how to take those laws and apply them in the situation that they have in their own community. If they don't know what's going on in their community, if they don't have their hand on the pulse of the community, they wouldn't be able to effectively do that—the board, the chief and all of the officers, as far as that goes.

Mr Patten: You mentioned one program. Do you have any other ideas in terms of the sorts of things the police may do or promote—and this isn't confined just to the police officers themselves—but that you would promote in terms of activities that the community may entertain in conjunction with the police?

Mr Nicol: Anything that a police board can do that is a positive thing; they have to deal with very tough issues and I don't think there's any question that the police officers today have to be tough individuals because they take a lot of abuse and they have a tough job, so no one can take away from that. There'll always be, from my perception, an undesirable aspect to policing that they have to live with. But if they can continue to work in our community to be perceived as the friend of the community by getting involved in youth groups, a presence there.

I sat, for a short period of time, on a committee that looked at forming a boys' and girls' committee and a representative from the Owen Sound police services sat on that committee, who had done a lot of leg work and so on. So that's what they're doing and that's, I think, the continued effort that has to go on. No, I don't have any new, specific initiatives at this particular point I can suggest to you that are going to change the police services board because of my presence.

Mr Patten: What's the number one challenge that you feel the police are facing in Owen Sound?

Mr Nicol: Certainly, the financial considerations are there and I've already, I think, addressed that with Mr Kormos in that the community has to solve these problems. The community has to look to ways to see that the police can get the necessary tools they need to do their job. I'm certainly more than willing to help out in that respect, to see that our policing doesn't suffer as a result of the difficult economic times we live in today.

1130

Mr Patten: Do you have OPP or do you have your own police force?

Mr Nicol: There is an OPP detachment that works out of Owen Sound, but the Owen Sound police force looks after the city.

There is talk, and that's something else I just recently heard, where the chief of police in Owen Sound indicated he thought that maybe Owen Sound should be looking at amalgamating its police services with other municipal police services in the area. I don't know that that was initiated from the board or just him personally, but we're hearing a lot about that in terms of also amalgamating communities. So I suspect there are going to be a lot of changes coming down the pipes in the next year or two.

Mr Patten: One report that was leaked recently suggested that the OPP was going to lose close to $100 million and therefore a large number of officers. If you had fewer officers for the OPP, what would be the impact on your police force in Owen Sound?

Mr Nicol: I don't know if policing in the city would be directly impacted by the reduction in police officers with the OPP and I don't know to what extent there would be a reduction in OPP officers out of Owen Sound or other detachments in Grey and Bruce counties.

The Vice-Chair: No further questions? Okay. Then we thank you, Mr Nicol, for coming before us today and want you to know that your being here has been helpful.

MELODY LUNDSTROM

Review of intended appointment, selected by official opposition party: Melody Lundstrom, intended appointee as member, Consent and Capacity Review Board.

The Vice-Chair: The next interviewee is Ms Lundstrom. Please make yourself comfortable. You wish to make a statement, so any time you're ready, please proceed.

Ms Melody Lundstrom: Honourable Chairman, honourable Vice-Chairman and honourable members, good morning. My name is Melody Lundstrom and I'd like to thank you for the opportunity to be here today. At this time I would like to make a brief statement outlining my qualifications and why I would like to serve on the Consent and Capacity Review Board.

I am a lifelong resident of Thunder Bay, as are my parents and my grandparents before them. I've worked for approximately 15 years in the general insurance industry as an independent broker, a claims examiner and a branch accountant for a major insurance company in Thunder Bay.

During that time I obtained my associateship in the Insurance Institute of Canada, and since then I have obtained a business degree at Lakehead University and

have also successfully completed many of the course requirements for an insurance fellowship and towards a minor in political studies. I am currently employed part-time for a general contractor in Thunder Bay, which allows me great flexibility with regard to my working hours. Therefore, I have ample time to serve the community.

I have volunteered or joined many professional and community groups and clubs, such as the local chapter of the Insurance Institute, the executive of the Little League Baseball Clubs in Thunder Bay and the Lake Superior Freestyle Ski Association, along with involvement with minor hockey and other groups. It is within these groups that I have served in positions of secretary, treasurer, vice-president, director and others, and have met a wide range of people within my community.

Throughout the past 10 years especially I have become increasingly aware of what changes can occur in the personalities of rational, thinking people due to such things as depression and various medications. I have briefly seen how judgements may be altered either temporarily or permanently, and I've witnessed friends seeking help for their loved ones and have seen the effects of suicide and illnesses such as manic depression.

It is with these experiences that I have developed a strong concern for afflicted individuals and their families, therefore I was very pleased and honoured to be nominated by the chair of the Consent and Capacity Review Board to be on this board. It is my desire to serve my community while broadening my understanding and compassion for fellow human beings. I have the time available. I am a good listener. I have the concern and interest to be involved with the citizens of my area. I eagerly look forward to the opportunity to become the new community member on this board and am committed to working very hard to learn more about the review process.

I will provide a fair, unbiased, compassionate, fresh perspective and will listen carefully to all of the views that are presented so that I may make the best informed decision possible and uphold the objectives of this board. Thank you for your time and your consideration.

Mr Leadston: Good morning, Melody. It's a relatively friendly group, so relax. I take it that you're fairly knowledgeable or at least have had some opportunities to look at the Consent to Treatment Act and I'm interested if you would give me your impressions on what the act proposes, and whom does it protect in the community?

Ms Lundstrom: As I'm learning more and more, I have spoken to the chair and I've just begun to be familiar with some of this. I have looked into a little bit of it. It's my understanding that the Consent to Treatment Act is set out to form a framework that will protect and give guidelines to the treatment for people, to have the right to have medical treatments within the health profession. It protects the rights of the individuals so that they are able to make an informed choice regarding their treatments.

They have to be mentally capable so that they are able to make an informed choice. If they're not able to understand what's going on or what their problems are, it's difficult for them. And they have to have the right to make binding decisions, so if they become incapacitated later on or unable for some reason to make it, if they've expressed wishes, they need to be protected so that they're able to have those views—

Mr Leadston: So the role again, and I think you demonstrated that in your opening comments, is a lot of empathy and sensitivity to these citizens in your community, and their protection.

Ms Lundstrom: I think the board's a very serious one when you're looking at people having their rights possibly infringed on if they're not able to judge or make their own decisions. So my understanding of the board is to put in place, if people are being exposed to a position of being maybe involuntarily detained or put into an institution, somebody has to make—you know, judging. Besides just the doctors, somebody has to be looking out for those people's interests.

Mr Bob Wood: Would you describe briefly for the committee what steps you've taken to prepare yourself for this position since you became aware that your appointment was going to be made?

Ms Lundstrom: Since I became aware of the appointment I started looking into the legislation, but as I'm learning and starting to delve more into it I find that there's more and more to find because I'm just beginning to touch what's involved with it. I've discussed and met with the chairman, I have gone to two hearings just to be exposed to the types of things that it would hear and I've started to look into the acts that pertain to it.

Mr Bob Wood: I know you haven't actually participated as a board member at any hearing. Do you have any thoughts as to what factors would be important to you in making the decisions that the board has to make? Do you have any opinion of that as to what you think is going to be important to you as a member of the board, what kind of evidence, what kinds of impressions?

Ms Lundstrom: I think it is very important to just be compassionate and understand the people's rights as the law pertains to them and as the community would expect people to be protected. It's important that somebody listens to the people and their views. It's my understanding that on the board there is a lawyer to look out for the legal aspects; there is a psychiatrist or another health official, depending on the nature, to look out and explain the medical aspect of it. So as a community member my understanding is to be a fair, unbiased participant in listening to try to determine if the people are capable, if that's the process; or, if they're coming in front of the board, obviously the reason is they need to have an assessment done on some parts. We have to listen objectively to all sides to determine if there's a need for it.

1140

Mr Bob Wood: Have you, in your work, ever had occasion to deal with expert evidence? In your work in the insurance field, have you ever had to deal with expert evidence?

Ms Lundstrom: Minorly, while I was an insurance adjuster. I was just beginning in the examining process, so there are always expert witnesses when it comes in. There have been legal opinions and things like that with regard to general insurance claims but nothing within a medical—well, statements, I suppose, a little minorly with

regard to bodily injury as it relates to car insurance or things like that, but that's not related in this aspect.

Mr Ford: I'd like to ask a question. Have you ever worked in any capacity in a hospital administration or anything like that concerning this type of thing?

Ms Lundstrom: Not at all.

Mr Gravelle: Good morning, Melody, and welcome. Did you fly in this morning from Thunder Bay?

Ms Lundstrom: No, I flew in on Monday evening so that I'd have a few minutes to meet with the Chair and get myself familiar.

Mr Gravelle: The only reason I ask is because I was told by somebody who did fly in that it's minus 43 Celsius this morning in Thunder Bay. No wind chill, just minus 43 Celsius—

The Vice-Chair: That's balmy, isn't it?

Mr Gravelle: —which of course, as you know, when it hits minus 40, it really is minus 46 Fahrenheit, you realize.

Ms Churley: You guys are so tough.

Mr Gravelle: We're quite proud of that.

Certainly, as you may know, you were a selection by the opposition party to come down and speak to us, and I just want to assure you that this is really an opportunity for us to get a better sense of how you feel, in your position on the board, you can work in a positive way. Earlier you used the word "compassion," and I think that's the important thing in deliberations in terms of people such as yourself who put their names forward for this. Obviously it's important to recognize that there's a great deal of confusion and I think misunderstanding around people with mental illness and everything else and probably it's a process that needs to be worked on.

Let me begin by just saying that I am touched by your personal sense of involvement in this. I really would like, if you're comfortable, to tell me and tell us a little bit more about why it is that you are drawn to this and what it is you hope to truly get out of this in a personal sense, because you seem very personally committed to this being an important position for you.

Ms Lundstrom: I've always had compassion and feelings for the people of my area. Having been brought up there, that would be natural for anybody in the area. I feel it's always important that people's rights are protected as the law states and as set out. So when people are put in a position of having treatments forced on them that maybe they don't want—although we may or may not personally agree with their choices—if the law sets out that they're able to make that decision, I think that right has to be protected. People have the right to live their own lives to the extent that they're able to make those decisions.

I've had minor exposure, personally, to a few instances. When I've talked to different people and the situations they've faced, I just feel for them. I think that it's an important issue, I have the time and this has certainly become interesting to me as I start to look more and more into it. So I'm very committed to doing the best that I can on the board, if that answers your question.

Mr Gravelle: Do you feel that there's an educational component too in terms of your position when you're formally on the board, in terms of educating people as well—not just in Thunder Bay, obviously. There does seem to be a lack of understanding. I don't want to speak harshly of anybody, but certainly things happen in the community where people tend to take a harsh stand.

Certain incidents have happened in Thunder Bay which you're probably familiar with as well, and there's a reaction often in a community which is to treat people or to speak more harshly in terms of how people should be treated. My sense of that is that we need to be more understanding and tolerant of what it is that puts people in difficult circumstances. I feel that certainly part of my role is to some degree to preach that tolerance and understanding of people who are in circumstances that are difficult.

Do you feel there's any role in terms of your position on this board, once you're in the position formally, to educate, to get out there in the community and talk to people about what this position is?

Ms Lundstrom: I don't think my position is that of a forward educator. I think that's best left for the educators and the professionals in that field, although I do feel strongly that the people's rights have to be upheld as the act sets out, and I'll become more and more familiar with the terms of that.

People have the right to privacy, and I don't think being on this board would give me the right to try to promote issues. I think that would be outside of the realms, as I see them at this point—perhaps as I learn more and more of my role—but at this point I don't view it as that at all.

Mr Gravelle: I guess I just meant in a more general sense. Just simply what you've said here strikes me as being sensitive and concerned about those people.

The committee studying the changes in the legislation is coming to Thunder Bay later this month. Are you aware of that? The committee studying the changes to the Advocacy Act and consent to treatment will be in Thunder Bay I think on February 12.

Ms Lundstrom: I don't know if I was aware of the exact date. I did hear that it was coming and that there are changes with Bill 19, I think.

Mr Gravelle: I hope you have an opportunity to attend it, because it will probably be interesting.

Ms Lundstrom: I'm certainly interested in attending.

Mr Gravelle: With submission.

Ms Lundstrom: I wouldn't want to miss it, I think. As I go through this process, I'm very interested naturally in any changes and in what the public perceives, although we're not in a position, the way I view my role, we're not there to make the decisions and to set the policies; we're just there to uphold.

Mr Patten: In the city I live in, Ottawa, there was a case reported recently, as a matter of fact this past week, of someone who snatched a woman's purse and ended up beating her very badly until she died. Of course, the community was quite upset that this person was involved in spending time in a hospital and that the hospital couldn't retain this person, who they felt needed some continued treatment, and in fact the family was pleading and said, "We've known for a long time that he's badly needed treatment and could not get it."

Given that kind of backdrop, what do you think the role is of the board which would be responsible for considering whether someone should be detained against their will in order to receive treatment because they're considered to be too violent? These are very sensitive issues because you're over and against the rights of individuals, and that's why you have the panel. But there seems to be more of an outcry from the community that these panels should be a lot tougher or should begin to lean a little bit more on the side of protecting the public. What are your views on that?

Ms Lundstrom: I think again that people have a right to protection as the legislation and you people set it out. The board in itself isn't in a position to make the policies; we have to uphold what's written. I think as a board we have to objectively listen to all of the sides presented, both from the people who want the afflicted person out or detained, and we have to carefully listen to everything and make a judgement based on the laws and the acts that are before us, whether or not we personally agree with them.

In some cases, if there is no evidence to show that the person has to be detained other than a feeling, it's up to, I think, the professionals presenting the cases to make it evident. I think the act, from what I'm just beginning to learn, sets out requirements—for instance, if it's evident that somebody's going to cause personal harm to themselves or others, for just one example, there has to be evidence or strong cases submitted so that these people can be detained. I think the act puts out for that, as I'm just beginning my understanding on it. I don't think it's in the community interest for anybody to be put out when you know that they're going to do something, but their rights are protected, and if there isn't a case strong enough put forward to prove that they should be detained, I don't know what can be done. I'm just learning.

1150

Ms Churley: First on the weather, I just got back from the Yukon, and it was cold.

I am very impressed with your résumé—I've read through it—your work and your community involvement. I'm also very impressed with your desire to get involved in your community, particularly on this level, and impressed when you state in your objective that you want to increase your awareness of various health conditions and how individuals are affected with regard to their well-being in the community due to their health conditions.

In listening to you today, you've also given some very good answers in terms that I think you're speaking from the heart, what you really feel, which I must say is really refreshing at these committee hearings. People do get nervous and quite often come prepared or ill-prepared or whatever, but often I think, sometimes at least, say what they think people want to hear, and I believe you're being really honest in your response.

I do have a few questions around your background, which I think is important. This is, as you yourself clearly understand from what you said, a very complicated board. From looking at your résumé, it just appears to me that you've had almost no experience in this field. Even in terms of your volunteer work, I can't seem to see any indication that you've dealt with seniors and the disabled, and that in fact you do have a learning curve here. I just wanted to ask you if you've had any kind of life experience in this area that isn't reflected in your résumé. I don't expect you to go into any kind of detail about your personal life or anything, but any kind of indication—I guess I'm curious as to your interest in this and what from your own life you can bring to it.

Ms Lundstrom: Without going into a lot of personal background and details, I think on a broad level, as most of us, we've faced loved ones who, whether because of age or whatever, faced conditions that have required somebody to make a decision for them or dealing with difficult aspects. I think everybody's been affected by that to some degree. I have seen and talked with, during the process, friends and people who have tried to look out for their loved ones' best interests and have them brought before a medical process. But sometimes it's very hard to get treatment when the person feels there's nothing wrong with them. So there needs to be the process, and I think this board is put out so that people can present evidence, so that people can be protected from wrongdoing to themselves or others when maybe they're not in a position to make that decision.

I don't have a strong background in a lot of these areas, but I certainly am compassionate. I'm certainly interested and feel for the people. And as a community member, it's my understanding that we have the health professionals on the board to bring that perspective in, we have the lawyers on the board to bring that perspective in, and I'm just representing—not "just"; it's an important "just"—but representing the community as a member, a peer more or less, of the community. It's somebody just without those types of backgrounds.

Ms Churley: Having said that there's going to be legal counsel and health professionals to give advice, do you see your role as being an advocate? I'm not quite sure from what you're saying, therefore, when you talk about the experts there, which I agree is very important, to give advice, but at the end of the day, as a board member, you're going to have onerous responsibilities in dealing with particular individuals, and the board at the end of the day is going to have to make some very, very important decisions.

I guess that's my problem, in terms of how you seem to view the board, that you can rely a lot on the expert opinions, but I'm not quite sure what you're saying about how you see your role—as an advocate or what?

Ms Lundstrom: I don't know necessarily as an advocate. I think my role is to listen to all of the evidence, without having to deal specifically with the expertise and hearing objectively the views and the concerns of the evidence put forward. I don't have the absolute background but I think that's to my advantage.

Ms Churley: Okay, that's fine. You've touched on this before as well. I think my colleague has a question.

Mr Kormos: You left the very clear impression that it was the chair of the board who was either sponsoring or in fact solicited your application for this position. I think that's a valuable source, people who have been active on the board, a valuable way to identify people who would be capable of contributing. So I think that speaks highly in your favour.

Just a couple of things. I appreciate here you are not on the board yet, not performing any of these roles and appearing in front of this committee, perhaps with a little bit of trepidation about what sort of things they're going to ask, but I would tell you this: There has been a significant amount of research done in testing the ability of lay people, as compared to professionals, to determine the dangerousness, particularly with respect to the release of people being held at the Lieutenant Governor's pleasure, having been found not guilty of a criminal offence. The data seem to illustrate clearly that lay people are as capable, their capacity to predict violent behaviour or a non-recurrence is as good as any board of professionals.

So I would urge you not to—I don't trust lawyers or psychiatrists.

Ms Churley: He is a lawyer.

Mr Kormos: I'm a lawyer and I know too many psychiatrists and I have good reason for telling you that. I would encourage you to be strong on the board, and use your life experiences and your insights because—this is just my opinion—I think the reason you're there is because oftentimes too much power is placed in the hands of the lawyers, the doctors, when in fact it's just real people who can make healthy and valid and important decisions.

I would also encourage you to use your experiences to maybe help our communities understand what's happening in terms of both the quality or level of treatment, because of course things have changed dramatically, even in the last 25 years, in mental health treatment. It's easy to regard some of the stuff that was happening even 15 years ago as downright barbaric, but it was the high-tech treatment of the day.

I tell you this because mental illness of course impacts—there isn't a family I don't think in this province who hasn't been impacted, in one way, shape or form, be it a neighbour, a family member, oneself, what have you, and ill people and people with disabilities, it seems to me, are going to be in need of, yes, because Ms Churley talked to you about advocacy, and it wouldn't offend me at all to see you pushing the envelope a little bit in terms of being, yes, an advocate for the mentally ill. That certainly wouldn't offend me and I suspect it wouldn't in any way violate the rules that you're going to be expected to operate under.

I do want to put this in context. I just want to tell you about one of my constituents, Stella Mae Williams, who was 48 years old in December of last year. She had suffered from mental illness all of her adult life—hospitalizations, and again had graduated over the course of 28 years through any number of treatment protocols as they developed new pharmaceuticals and new approaches and attitudes.

She was getting a disability pension. She'd raised a daughter who is a mother in her own right, had two little grandkids. Things were starting to come together for her, and she was working for almost the first time in her adult life, only 10 to 15 hours a week. But things were starting to come together after being plagued by mental illness all of her adult life, and working 10 to 15 hours in a laundromat, that income being subsidized by a modest Family Benefits Act pension.

Three weeks before Christmas she got a letter from the local Community and Social Services office telling her that she didn't meet the new guidelines in this new Ontario for a disability pension; she wasn't disabled any more. She simply couldn't handle that—the prospect of losing her small apartment, the prospect of not being able to buy her grandkids some small gifts—and she killed herself three days after getting that letter, left behind her daughter and two little grandkids and a couple of pieces of stuffed furniture, some clothing and some knick-knacks, and a very poignant suicide note that her family let me share.

You see, she felt that there was no room for her in this new Ontario. She received a very loud and clear message that there's no room for the Stella Mae Williamses of the world in this menacing and dangerous Ontario insistent on cuts and axing and hatcheting to generate a 30% tax break for wealthy people.

I think about Stella Mae Williams often. I don't think there's a day that's gone by since her family shared her death with me that I haven't reflected on it, because any number of the things that I do here at Queen's Park remind me about the fact that—you know, her daughter only had two hours with her in the funeral home, because that's what a welfare funeral is in Ontario. There's no headstone on the grave, which is why I committed last week when I was here my per diem, which is $100-plus tax-free for every member of this committee, to develop a fund in Welland to buy a modest headstone for Stella Mae Williams's grave.

So I would encourage you, yes, to be an advocate, to use your judgement and your sense of fairness and compassion and to stand firm in the face of professionals, who may not always be right and as often as not aren't. So I wish you well in this job.

Mr Bob Wood: I'd like to touch on one point that was made a couple of minutes ago which I think is important. You're there to make an independent decision. You're going to be faced with legal experts and medical experts and so on, and what they're going to say is important. But at the end of the day you have to form your own independent decision and stick with it, and if your instinct says something is right, do it.

Ms Lundstrom: I've no problem with that, absolutely.

Mr Bob Wood: I didn't think you did.

Mr Leadston: Mr Chairman, it was mentioned earlier about the hearing in Thunder Bay. I've taken the liberty of copying the agenda for that day. It is Monday 12 February, and I have provided this for you, Ms Lundstrom. There are at least a dozen community organizations who will be presenting on that date and I just want you to have this so you have a date and time.

Ms Lundstrom: Thank you. That'll be interesting.

The Vice-Chair: Thank you for coming before us today. Your being here has been helpful. Good luck in your future work.

That's the agenda for this morning, folks. There will be a brief subcommittee meeting right after this. We'll give you two minutes and then we'll come back in and start the subcommittee.

We expect you back here at 2 o'clock sharp.

The committee recessed from 1203 to 1403.

DOUGLAS MAUND

Review of intended appointment, selected by third party: Douglas Maund, intended appointee as member, Town of Orangeville Police Services Board.

The Vice-Chair: We start the afternoon by calling Mr Douglas Maund to the podium. Are you going to have an opening statement of some sort that you'd like to offer, or do you just want to go into questions and answers?

Mr Douglas Maund: Well, by way of an opening statement, I think all I would say is that I'm pleased to have an opportunity to meet with you today and talk about the appointment to the Orangeville Police Services Board. Briefly, all I would say is that I feel I applied for the position after it was advertised because I have enough associations in my professional life and in my community involvement that I could bring something to the board, and that I've always found the issue of policing an enormous area of public trust because of the balance of the public safety aspect and civil liberties which has always interested me as a lawyer. So that's why I'm here today and I'd be happy to assist you with any questions you might have.

The Vice-Chair: Good, thank you. We're going to start the questions this afternoon with the Liberal caucus.

Mr Patten: Yes, welcome, Mr Maund. You have an impressive background, legal background and support services for government. My first question would be, how come Perrin Beatty is not on your reference list?

Mr Maund: I think the references got cut off there.

Mr Patten: Oh, that's why, eh?

Mr Maund: I'm sure he might say a few good things about me, if you were to ask; I would hope so.

Mr Patten: Oh, I'm sure he would.

Ms Churley: Well, let's go check that out.

Mr Patten: All right, we'll make a phone call. Mr Maund, in Orangeville, what is it that you see as being the first and most important thing for the police services board to address?

Mr Maund: In this day and age I suppose the issue of managing scarce resources is there, it's irresistible; and I've struggled with that in that past in other institutions that I've been able to serve on, such as Dufferin Area Hospital and other local agencies like that.

Obviously, police budgets are under great review and the town of Orangeville, two of whose members of council, including the mayor, serve on the services board, takes a very active interest in the money in terms of capital expenditure and so on. So that would have to be priority one, to make sure that the most cost-effective but safe policing can be provided.

I have a particular interest in domestic family violence issues, as one of the founders of Family Transition Place, which is the shelter for the victims of domestic violence in Dufferin county, and in the past year assisted Hillside House to lecture to all the police forces in our area about domestic violence and to make sure that the protocols are well and truly kept. I would want to make sure that that initiative is sustained in training programs.

Mr Patten: By the way, has Hillside been affected by some of the cuts that were made?

Mr Maund: I think they're concerned about it, but I'm not aware to date whether they have, to be honest with you. I'm not a member of the board. I do some legal work for the members of that community who need family law lawyers.

Mr Crozier: It's good to have you here. You mentioned the financial challenges and I'm really interested in this area because I've served on our local police services board back in my home town. We all, each of us in this business, have to live by our statements, so I can't help but ask for your opinion in view of the fact that the government, leading up to the election last June, said that they would not reduce funding in the areas of public protection. And yet, with the changes in municipal funding and putting it all into one envelope, so police services are now rolled into that and may be threatened to some extent, depending on how municipal councils are able to meet the challenge; and we've had some word that there may be cuts in the OPP as well.

But keeping that in mind, and understanding that the budget isn't totally in your control as a police services board member, in that it goes to town council and that if there is disagreement, it goes to the Ontario Civilian Commission on Police Services, and it may be taken out of your hands. Also, considering the fact that the arbitration rules have now changed and that ability to pay is one that's paramount in that, how might you face this financial challenge in view of the fact that—and what's your opinion when the government said it wouldn't touch that kind of funding, but in fact it has?

Mr Maund: I'm not sure I'm entirely qualified to answer that question yet, not being a member of the board and not having struggled with the budget process. I do know the players on the existing board and the history over the years and I know they've got a great relationship with the town in terms of coming to the mutual accommodations to find savings where it was necessary.

Obviously, public safety comes first and I would rely on the mayor, who is not exactly non-vocal on these issues—if she were to feel that she was under some constraint that would make it difficult to fulfil her mandate, I'm sure she would raise that in the appropriate quarters politically. As a member of the board though, I would struggle to try to make sure the budget was as cost-effective as possible and to try to reach an accommodation with the town. I don't believe it's ever gone to the appeal stage in its history. I would hope to continue that.

1410

Mr Crozier: Good. One of the main responsibilities the police services board has is to appoint officers to the police services. How do you see your role in that process of appointing officers to the police services?

Mr Maund: Well, there is already in the mission statement of the Orangeville Police Services Board a very good protocol, I believe, with respect to having as broad a base for attracting officers of different backgrounds, different races, sexes; that sort of approach. I think any services board has to try to find the best-qualified people to be part of your force, and small-town forces—I've been a member of this community now about 25 years—traditionally had a problem attracting quality officers because they couldn't pay what the big metropolitan forces could. But there are other, more attractive ways to get first-rate constables from other forces, if it comes

down to that, and one of them is lifestyle. Living in a place like Orangeville, Ontario, has a lot of advantages, I would think, just in terms of everyday life, raising a family, and also police work. It's a more gentle type of police work than they might face in a big city.

To answer your question, I think that it would be my responsibility to make sure that they try to attract the best-qualified candidates with the best experience.

Mr Crozier: So would that mean, when you mention "process," that as long as the process is there that if the chief, for example, went through that, then came to you in all likelihood with a recommendation as opposed to the board members getting involved in the actual hiring process? Is that the way you see it?

Mr Maund: As I understand the mandate, it's sort of a delicate balance between not doing the chief's job—which obviously you're not empowered to do—but making sure he has done his job, that he has the best selection of candidates. I suppose the board would have the authority, if they felt he was fishing in too small a pool, to say, "Well, have you considered these type of candidates from another area?" Again, I haven't been exposed to that because they do those type of personnel matters in camera, but I would be looking forward to learn.

Mr Gravelle: Good afternoon, Mr Maund. Certainly your involvement with the founding of Hillside House, the transition centre, and your interest and your concern about domestic violence is certainly an encouraging and positive thing to hear in terms of somebody with those interests on the police services board. I don't want to seem patronizing, but obviously it's more than commendable; it's obviously a great concern in our community.

The new policy on wife assault that was brought down I guess under the former government: I presume you're familiar with it?

Mr Maund: I am.

Mr Gravelle: I would almost think you would probably have been involved to some degree not so much in the formation, but were aware of it. I'm just curious as to your comments on that and whether you think it's been obviously something that needed to come forward and if it's being implemented the way that you would think it should be and you'll be watching it yourself as a member of the board.

Mr Maund: Categorically, that policy has been followed by all of the police forces in Dufferin county. I know that as a person who also practises law there as a part-time crown attorney from time to time and defence counsel.

It's interesting, it was generally conceded at the time that the guidelines were brought in, three or four years ago, that we had protocols of our own from the time that Family Transition Place, or Hillside House, was founded. One of the first things we did, the founding committee, was reach out to the local police forces and try to establish guidelines in terms of zero tolerance, that the charge would be laid. The crown attorney was one of the main actors in making sure that that happened. That, frankly, has been my experience in Dufferin county as a practising lawyer.

Mr Gravelle: This is before the provincial standard was in place?

Mr Maund: Well before the standards. So I totally am in accord with those standards. I think that we have a long way to go in training but the attitudes have changed so much. I found in the training we did with the officers last year, they were very receptive. It was almost night and day to the attitude, if you will, that 20 years ago one would see. It's not said in any critical way of the officers, but we've evolved and learned that this is a very serious issue and they have a great role to play in alleviating it.

Ms Churley: This is a very friendly, informal place. I hope you don't mind if I call you Doug.

Mr Maund: Not at all, ma'am.

Ms Churley: I won't go so far as to say Dougie. Not that informal.

Mr Maund: My mother called me that when I was bad, so I appreciate that.

Ms Churley: When I looked at your résumé and saw who you worked for, I must admit I thought, "Oh no, another old Tory hack," because there have been a few of these before the board with very little or no experience in this area, but I was very pleased to read your résumé. I am very impressed with your qualifications and will have no problems whatsoever recommending you. However, my vote wouldn't have an influence anyway, you're going to be on the board, but I want to let you know that I'm very impressed with your background, for what it's worth to you.

Mr Maund: Thank you, Ms Churley.

Ms Churley: I have many focuses, but one of my areas as critic and also expertise is around women's issues and equity issues, and I'm really pleased to see that you've been involved with the Elizabeth Fry Society and your comments about domestic violence.

One of the problems with this government, and of course in my view there are many, but there's lots of evidence that they have been systematically, it seems to me, kicking progressive women off police services boards, in most cases having extensive backgrounds in the domestic violence area, and replacing them predominantly—and I can prove this—with businessmen who, in many, many cases, do not have the background at all.

I'm giving you that information for the record, obviously, but also for you to know that you're probably, in my view from what I see, going to be one of the few people on the boards with this interest and expertise. I'm really pleased to see that you have an interest and background in those areas.

I wanted to specifically ask you, I presume you know about the situation with the Orangeville Police Services Board, I think it was a couple of years ago, when there were two female officers who were pregnant and who had asked to be assigned to desk duty and were denied that right. They were therefore released from service, while at the same time policemen, some of whom had back injuries and other problems, were assigned to desks while they recovered from whatever, and it was just a clear case of discrimination. I believe it was corrected over time.

Mr Maund: It was.

Ms Churley: I just wanted to hear your comments, what you know about that and what your position is on

correcting these kinds of imbalances and discrimination in the system.

Mr Maund: I think the chief of police is no longer with the force. He's retired. He's on record as doing a massive mea culpa about that. This is not appropriate what happened. It was a mistake. It was acknowledged as such, and I think the services board members that I spoke to were determined that something like that wouldn't happen again.

You must remember, in a small community such as ours, we're closer to the ground than they are in the city. These officers were friends of mine. We play baseball together and we're raising families together. So, not only is it sort of contrary to policy when something like that happens, but it's just not fair. It was acknowledged as unfair by my friends in the community. It was a mistake and I'm quite keen to make sure that something like that would never be repeated.

Ms Churley: What's the size of the police force in Orangeville?

Mr Maund: There are 24 members; four female constables I believe at present and three civilians.

Ms Churley: Just one last question before I turn it over to my colleague, because I'm sure he has some interesting questions for you. I think you touched on this previously. In my view the Police Services Act was quite progressive years before many other sectors of our society in terms of having its own employment equity within the Police Services Act, and this government repealed it along with—added it to repealing the NDP Employment Equity Act. I'm just wondering if you perceive systemic problems within the system. What would you do, given that there is no longer any law around employment equity? How would you see addressing it if you perceive it or see it to be a problem?

1420

Mr Maund: For our local force I do not see it to be a problem. I've reviewed their protocols with respect to equality of opportunity. I think most police officers that I know would have been in support of Bill 8, given their philosophical approach in that they believe in equality of opportunity.

Ms Churley: Well, so do we, actually. That's a lie that it was a quota bill. But anyway—

Mr Maund: If you were to talk to them, as I did, rightly or wrongly, I think that's what local officers would say. Again, I had the advantage of knowing them as friends or as people in the community as well. I don't see systemic barriers within this force as it's constituted to equity, in fact. A lot of female cadets came on line in the late 1970s when I first started practising law in that area and they integrated within the force naturally and did whatever duties had to be done. So I guess I feel that, if it becomes a problem, obviously I would like to think I'm sensitive to it.

Ms Churley: Just before I close, I would like to say I'm glad to hear and I believe that you are sensitive to it. But I have to tell you that all our studies showed—and I can assure you that the NDP didn't bring in such a controversial bill that has been twisted in many ways to sound like it was something it wasn't for the fun of it. We did our research. We looked at where systemic discrimination was taking place and there is absolutely no doubt about it. Federal studies, in fact, when the Conservatives were in power in Ottawa—study after study shows that there is within particular sectors of society, including policing and other areas where all other efforts, including education and many other efforts, didn't work.

My concern is that now, with no structure in place, we will see some of the gains that were made over the years deteriorating, and I would like to know that you will be keeping your eye on that. Because with nothing in place right now—this government says it's going to bring something into place—but with the gap there I am very concerned that we will go back to the bad old days when there was absolutely nothing in place to help equity along, and studies show that you do need something in place. So that's my concern.

Mr Maund: Perhaps I'm an optimist. I would hope we would never go back to those days.

Mr Kormos: Mr Maund, I have absolutely no interest in posing questions to you. Let me explain what happens.

This is an important thing, Chair. Once again we have Mr Maund here, and we go round robin, basically, in choosing which of the potential appointees appears before the committee and I appreciate he was chosen by the third party. But this has come up several times already now where it's clear that people are eminently qualified to do what they're seeking to do. There's no self-interest being served, because they could do any number of things with their time. The problem is that all we get is the name and the position being sought or applied for.

If we received CVs or the applications as they're prepared for us in time for this committee at the point in time when we were considering who was to be called before the committee, we'd avoid some of these unnecessary trips here to Toronto, we'd avoid taking up people's time with what is trivial and meaningless stuff.

Our purpose is to clear out the dogs. There have been more than a few dogs dragged through this committee room too.

Mr Bert Johnson (Perth): Haven't had any.

Mr Kormos: As a matter of fact, one of the earliest ones actually withdrew his application after the questioning. That one barked all the way down the hall.

But Chair, really, it seems to me that if we had access to the applications and the CVs or the personal histories, we could avoid having people like Mr Maund here and so many others who have been here, again, whose qualifications aren't in question.

To say that he's a Tory is trite. Maybe it's presumptuous as well, but I'm sure Perrin Beatty wouldn't have hired somebody who wasn't a little bit partisan. But, so what? The issue here isn't patronage. Patronage generates people of incompetence in these boards, agencies and commissions. I apologize to Mr Maund, as I have to other persons appearing before this board under similar circumstances, and I hope we can redress this even this afternoon in terms of policy. Enjoy the police services board, if you can.

Mr Maund: Thanks, Mr Kormos.

Mr Ford: I have a couple of questions here, but they've already been answered, but I would like to relate to the civic activities you've been doing, and I feel that

you've got a tremendous amount of experience being associated with Big Brothers. I've done that myself so I relate very strongly with these.

Founding member of steering committee for Hillside House, a transition centre for the victims of domestic violence: Up until last year, I and my team had painted the whole place, women's shelters, so I know where you're coming from.

Member and chairman of the board of governors, Dufferin Area Hospital: Well, I'll have to come back to you again and say, yes, I was a member of a board for 12, 14 years. I was chairman of the capital fund-raising committee and I also worked as an executive director there. So I know how hard you have worked on these areas. All I can say to you is, I am for your appointment.

Mr Leadston: Doug, like my colleague, I too was past president and founding member of our Big Brothers Association. We developed the camp up in the Hockley Valley for fatherless boys in the province, and it certainly was and still is a very rewarding and enjoyable experience to have been involved in that segment of society.

I don't necessarily share the views of member Kormos in that I think it's rather important and significant that people of your stature do take the time for public service and do take the time to come before the legislative committee and vet your résumé and your background.

I think that's very important because it enhances the process of government. It enhances the community that you represent and you personally, and also enhances the position that you will be placed in as a member of the police services board. So I think it's a very positive thing in the sense that this interviewing process takes place.

Your experience with the law and with the judicial system, and particularly with Big Brothers—and I realize that Orangeville is a smaller community than some of the other communities in the province—are there enhancements that the police services board and the police services personnel and your involvement with the community, particularly Big Brothers, is there any type of educational model or system that you might undertake or consider to have the police and the police services board and the community networking in any particular way?

Mr Maund: My prejudice coming from a small community, and I feel fortunate to do so as well, is that when there's a need you fix it. That's how Hillside House happened. Nobody imposed Hillside House on us. A couple of us got together, family lawyers, members of the women's centre, and we got it done. We raised our own money. We put it up. We did it because we had to do it, and everything else flowed from that. Obviously, the government helped later on, but that was generated.

With respect to local issues, policing issues dealing, say, with young offenders, one of the officers of our force, I'm quite proud to say, started something called the bridge program for when children don't have a place to live; they've had an argument with their parents and they're on the street. That's a problem everywhere. They raised some funds and they have a place where these kids can go now, for example. It doesn't relate to Big Brothers, but the officers have to deal with these young people in the middle of the night, and in a smaller centre there just aren't that many places, so the bridge program has filled that gap. But it was done as a volunteer group within our community, started by one officer and his friends, and I'm very proud of that.

What the services board basically does is support them, of course not with money because there isn't money for them to throw at it, but gives them moral support and organizational support and publicity. It's those type of things that you really have to support, as a member of a board and as a member of a community. That's one example I think is worthwhile.

The Vice-Chair: Thank you for coming before us today, Mr Maund. Your being here has been helpful.

1430

WALTER BURTON

Review of intended appointment, selected by government party: Walter Burton, intended appointee as member, Town of Tillsonburg Police Services Board.

The Vice-Chair: Next to come before us this afternoon will be Mr Burton. Do you have an opening comment you'd like to make?

Mr Walter Burton: Mr Chairman, thank you for the opportunity of being here. You'll have to bear with me, I'm suffering from the final stages of the flu. I have a few remarks I'll make.

The Tillsonburg Police Services Board was one of the last of the municipalities to accept a police services board, and I believe that was December 31, 1991. In response to a newspaper ad and due to government process, I was accepted and appointed to the police services board and was elected first chair in February 1992.

The first order of business for the board was to give the board a direction, structure, mission statement and procedural bylaws to achieve the direction of the Ontario Police Services Boards. The second was to place the chief of police firmly in charge of the police service and change the attitude from a police force to a police service, with no interference from any member of the police services board or formal council. All I'm suggesting there is that sometimes in municipal forces, this type of thing happened, and we saw this as one of the things that needed to be changed and changed very quickly.

The next major hurdle was to give the police a proper police station that they could conduct their daily operations from; this was very much needed, and with cooperation of council this was achieved.

The new board consisted of a chairman, vice-chairman, executive committee, human resources, and plant, property and equipment. We established the board in that direction so we didn't have everybody doing everything, but as the committees came together, we at least could make it function. The Tillsonburg police services board become an active member of zone 4 of the Ontario Police Services Boards and the Tillsonburg police service has established a strategic plan.

That gives you a little bit of background. That may not sound like a great deal of achievement, but it was. Those are basically my comments.

The Vice-Chair: Thank you very much. We'll start the questioning with the New Democratic caucus and Mr Kormos.

Mr Kormos: Ms Churley has deferred to me.

Ms Churley: Yes, for a change.

Mr Kormos: My maternal grandparents are Tillsonburg-Delhi people, so I spent a whole lot of my life there, at least on Sundays, on tobacco farms.

Mr Burton: Your back still aches when you think of Tillsonburg.

Mr Kormos: Yes, that's right. Obviously, you've been active in the community in a variety of roles, you've performed on any number of boards. You have previous experience on this specific police services board. What's the makeup of the board now? What size board is it?

Mr Burton: It's five: three appointed and two from council.

Mr Kormos: What's the size of the police force?

Mr Burton: It's 33, with nine civilian dispatchers, so 24, which is a chief deputy and executive assistant.

Mr Kormos: And of course in that community I suspect there's still increased demands on policing, depending upon the season, or is that no longer the case?

Mr Burton: It is the case, not to the extent that it used to be previously. Where we probably at one time had an influx of French Canadian workers, it's now offshore workers, and it isn't the problem that it used to be.

Mr Kormos: As I believe you heard me indicate to Mr Maund, who was speaking to us before you, this committee process, in my view—other people may not agree with me—is designed to help screen out people who are unsuitable for a particular appointment. You were called upon by the government to come here. In my view, it's redundant to have somebody whose obvious experience, as portrayed in your résumé—

Mr Bert Johnson: Point of order, Mr Chair: Is that relevant to the subject?

The Vice-Chair: Mr Johnson, Mr Kormos has the floor and he can use it to put his thoughts on the record with regard to whatever point that comes before us.

Mr Kormos: As with Mr Maund, I apologize to you, I suppose. You came up to Toronto for the day. So be it. I just wish, Chair, that if we had these sorts of résumés or CVs prior to the identification of people we wanted to call to the board, we might become a lot more efficient and not waste everybody's time. This gentleman, in my view, is a suitable appointment, not the sort who has to be scrutinized or interrogated or questioned, and I have every intention of supporting his appointment with enthusiasm. I'm not going to waste his time and the committee's time by posing padded questions to him.

The Vice-Chair: Ms Churley, do you have any questions?

Ms Churley: No.

The Vice-Chair: Then we'll move on to the government caucus.

Mr Bob Wood: I might say before I get to my question, which is a simple one, that many of us do find it helpful to have some of these appointees come forward to get some flavour from the elected people about what they think should be done on these boards. While some may feel that your time is being wasted here, and you may indeed come to that conclusion yourself by the time this is over, we hope we may be able to give you some flavour of what we think should be done on these various boards when you're out in the field doing the actual work.

What's the number one thing you'd like to accomplish in your upcoming term, assuming you're confirmed in this position on the board?

Mr Burton: You can see that we have achieved quite a little bit. Unfortunately, in the past two years we didn't get down to the thing of community policing that we should have. All people, regardless of who they are, need some direction, and I feel that in the absence—not that I'm any super person or whatever. Financially and budgetwise we got those things, for the most part, under control. We have yet a responsibility to the community to get on with our strategic plan to involve the community in the planning of what the police service should really be, and I'm sorry to say that in the past two years we have not achieved that. We established the strategic plan, but we now have to implement that strategic plan.

Don't misunderstand what I'm saying. I quite realize that the board is not responsible for policing per se, but it's certainly responsible for the direction of policing, and it's my opinion that the chief of police is certainly responsible for the police service. We have not achieved with the community the public relations and the attitudes that we should have, and I see this as one thing.

The second thing, of course, is the budget restraints and reforms, and each day that seems to be a furthering challenge. We don't have a problem with council because we realize that we have to cooperate with council, because it's a very difficult situation. Council is providing us the money and we're providing the service, so you have to work together to achieve this.

We have two problems: one, to make our strategic plan work with the community, and the second one is, within the confines of the money and budget we have available and what makes sense, to provide these services to the community.

Mr Ford: When was the last time, Mr Burton, you were on this police board?

Mr Burton: Two years ago.

Mr Newman: I just want to ask what goals you had in mind for the board.

Mr Burton: I think I've expressed a great deal of the goals we have for the board, and I think for the most part they're working. Right now we don't have a board per se because the three appointed members are all gone, so I've got to or someone's got to get back and get it together and achieve the very things—the Police Services Act spells out very clearly what your responsibilities are and what we have to do, and it's just a matter of getting back to what's there and make it work.

Mr Leadston: Walter, in view of the fact that there are three absent board members, are there any particular challenges facing your community? We've heard from a number of individuals who will be going on various police services boards throughout the province, and each area is quite unique, facing difficult challenges. Is there any particular challenge that you feel the police services board is going to face in your community?

Mr Burton: One of the major problems or opportunities, whichever it turns out to be, for police services boards in Tillsonburg is that we're located at the bottom

of Oxford county, which is a restructured county, and second, we're at the tail end of Haldimand-Norfolk politically, and we also are involved with Elgin county. If Oxford county is the person who restructures the force, you have to understand the unique position of Tillsonburg, and it comes up every day in discussions in hospitals. Obviously, it's going to be a problem when we come to a county police force, and if there is one area we are going to have to come to grips with, it's going to be county policing.

1440

I don't think it's an insurmountable task, but if you're asking what the major challenges are for the police services board in Tillsonburg, that is going to be one of them. Do we fit, do we become part of? But remember what I'm saying: We are not part of Oxford county politically—federally yes, provincially no—and it's difficult to tune in to Haldimand-Norfolk, which is a region, and Elgin is really basically the same thing that was there before. We're not without our problems, but to prioritize, that's probably the major one we have. But it's not an insurmountable problem.

Mr Leadston: With your experience and background, particularly your experience previously on the police services board, I think they're going to be well served in having you back on the commission.

Mr Burton: Thank you, and it's a big job. You may say it isn't a very big job, but if you take your job seriously—and fortunately most of our persons have—there are major challenges there.

Mr Leadston: I appreciate your comments, because I served once as a police officer and then ended up for six years as a member of the police services board, vice-chairman and chairman, and it was a daunting, difficult, time-consuming task. I daresay it's not a role that's suitable for everyone.

Mr Burton: Then you understand the constable who's been there for 25 years versus the person we just hired from Peel region, sort of thing; the difference in attitude is dramatic. This is part of the board's opportunity to work with the chief to work these things out, in early retirement etc. There's a ton of things to do, and to prioritize them all and list them for you—I'm sure you must know as well as I.

Mr Patten: Mr Chairman, might I point out that I believe the format is somewhat dated in the description of the responsibility of the board in our notes. It refers to one of its responsibilities as having to establish an employment equity program, which I believe is no longer required and was rescinded. I'd just point that out.

Walter, nice to meet you. I see your long list of responsibilities and voluntary activities in your community. You were the chairman for just one year, was it?

Mr Burton: No, I was chair for two years, and then I resigned to go on the hospital restructuring committee in Oxford county, which I've spent a great deal of time with.

Mr Patten: You were saying that all the appointed ones had gone. Did they resign of their own accord?

Mr Burton: Because of the pressures of the restructuring in government, one of our members who would normally have become immediate chair is now resigning, and the second person has not been reappointed at this point. What I'm suggesting to you is we're coming in with probably a new slate.

Mr Patten: These are the challenges of the smaller communities.

Mr Burton: These are the challenges or opportunities, whichever way you take it.

Mr Patten: Yes. Given your background and your experience, there's one area of board responsibility that is not often focused on at the beginning, and it's in the crime prevention area. What are your thoughts and views in terms of what the board might be able to do in relation to the community, the police officers themselves, in terms of encouraging or doing something on the preventive side of crime?

Mr Burton: That's a very broad question. I think what we do is keep the officers updated with all the most local videos and updates at the police college and whatever. We have a very active Crime Stoppers program in town. I'm not personally satisfied that we shouldn't have high school students as members of the Crime Stoppers program, and that's one I'm will continue to promote, because I believe these kids have the inside track, if you want to call it that.

Crime prevention is a very, very difficult circumstance, but I think we're well looked after in that regard. That's more of a chief of police service thing. I have no grandiose ideas of how we're ever going to eliminate this, but I do believe we're pretty much tuned in as to crime prevention, with the exception perhaps of what I'm saying—that I don't know that we have enough communication with the youth of the community at this point, and Crime Stoppers is one place allowing the kids to express themselves.

Mr Patten: What is the area requiring the greatest amount of attention by your police force?

Mr Burton: I think restructuring the police from the force to the service and taking care of just some of the issues that you're talking about. It's very difficult, when you have a constable of 25 years versus the one who has just come in, to direct them in the direction they need to go, but I think the youth of the community need some guidance. They don't need to be persecuted or prosecuted; they need to be given guidance and training.

Mr Patten: Do you have youth officers?

Mr Burton: Yes, we do, and we're active in the community program—the community service officer—but we have a tendency, or at least the administration has a tendency to leave the same person in that position. I think that the younger persons—younger officers and newer officers—should shift in these capacities, because they communicate better with the kids.

Mr Gravelle: Good afternoon, Mr Burton. I just am curious as to what your position might be on a couple of issues, in particular the federal gun control legislation. I know it's obviously been controversial in a lot of ways and I know a lot of people on the forces don't necessarily agree with it, although the police chiefs supported the legislation, so I'm curious as to your opinion on it.

Mr Burton: My particular opinion is, actually, I don't think it's going to eliminate the basic problem that it was established to do. I'm a duck shooter and deer hunter and

all this sort of thing, and I have all my guns and whatever but, quite frankly, have disposed of them because I'm not totally in favour of the registration, although something needs to happen. If this is phase one in having it happen and it's a commonsense—I'm not sure it's a commonsense approach; I'm sorry to use those words over here. That just slipped out.

Mr Gravelle: There is some common sense.

Mr Burton: But something has to be done, and if this is phase one in a process, I have no preconceived notion. I don't think we've fought it very hard. The area of concern of course is when you go to register all these firearms. I don't know who's going to pick up the tab on this one, but it's going to be extensive.

Mr Preston: The taxpayer.

The Vice-Chair: Any further questions? If not, the government caucus has two minutes left if there are any further questions from that side.

Mr Bob Wood: We will waive.

Mr Preston: If Mr Kormos agrees with it, I can't think of a single question that I could possibly ask.

The Vice-Chair: Okay, Mr Preston, duly noted.

Thank you, Mr Burton. We appreciate your taking the time, and your being here has been helpful.

1450

CHRISTOPHER HENLEY

Review of intended appointment, selected by official opposition party: Christopher Henley, intended appointee as member, Ontario Transportation Capital Corp board of directors.

The Vice-Chair: Welcome, Mr Henley. Do you have an opening few comments you'd like to make or are you wanting to just go into the questioning?

Mr Christopher Henley: I have a few brief remarks, if I may. Good afternoon, ladies and gentlemen. My name is Chris Henley and I am currently a vice-president in corporate finance and director of Canaccord Capital Corp, one of Canada's larger independent and employee-owned investment dealers. I am appearing before you today in respect of my name being put forward as a candidate for a position on the board of directors of the Ontario Transportation Capital Corp.

In respect of this appointment, I would like to apprise the members of the committee of my extensive involvement in the project financing arena, dating back to 1983. In this regard, I have also lectured on the subject at Scotiabank corporate banking seminars from 1989 to 1992. Additionally, I have advised both corporations and governments in respect of infrastructure and privatization initiatives and have worked as an investment banker since 1987. In particular, in relation to the infrastructure side of my work, I spent approximately four and half years advising one of the short-listed consortiums on the Northumberland Strait crossing project, and for way of the committee members' edification, that's a 13.5-kilometre bridge currently being built to connect New Brunswick and Prince Edward Island.

During my investment banking life, I have also completed assignments for both corporations and governments, and managed and executed the full spectrum of services including the placement of debt and equity, both privately and publicly, and in respect of mergers and acquisitions, both friendly and hostile. I believe this experience will assist me in discharging my duties as a member of the OTCC board, should my appointment be confirmed by this committee.

Finally, I would like to thank the committee for giving me the opportunity to present my credentials. I look forward to answering your questions and hopefully serving the government in this capacity.

Mr Preston: Mr Henley, what do you see as the mandate of the OTCC?

Mr Henley: I have had some conversations, in the past few days and earlier in December when I was asked to consider this appointment, with members in the minister's staff and also with the Chair of the committee. My understanding of the mandate of OTCC is to look at infrastructure projects such as Highway 407 and to discharge my duties as a member of that board of directors and effectively to look out for the best interests of the corporation in respect of infrastructure projects in the province. That is what I anticipate being my role as one of the members of that board.

Mr Ford: Why have you expressed an interest in and agreed to serve on this board?

Mr Henley: From my own personal standpoint, it's an area, as I mentioned, that I have experience in. I've done a fair amount of work in this area, in particular the financing of projects both private and public. As a result, I would like to bring this experience to play on behalf of the government and in respect of advancing further projects in Ontario.

Mr Newman: Are you familiar with some of the powers of the OTCC?

Mr Henley: Generally. I wouldn't say I'm an expert on those.

Mr Newman: In general, can you expand upon that?

Mr Henley: The powers? First of all, cabinet can issue policy directives to the board. The board, in discharging its own mandate, would take those and apply its own judgement in respect of discharging its duties and acting in its fiduciary capacity, but keeping in mind that there are directives that could be issued.

From the power standpoint directly, they have the power to levy tolls in respect of projects such as the 407 and to arrange financing, if that is deemed necessary, from either a private or a public perspective, depending on the circumstances at the time.

Mr Leadston: I'm interested in particularly your background in providing not only financial but strategic advice to a number of companies and your experience from a global picture. I'd be very interested in your thoughts on user fees as they relate to transportation.

Mr Henley: I guess from the perspective of tolls, it's my understanding that when OTCC was formed this was one of the ways that OTCC will effectively recover the cost of financing. I am a supporter of tolls as long they improve the infrastructure, because I believe that good infrastructure creates good economic opportunity and it's important to growth in the economy. Tolls are an important way for the government to finance new infrastructure without impacting its current fiscal situation.

Mr Preston: Just a very short one again: Do you see a place for privately owned toll roads?

Mr Henley: To be quite honest, as part of the board, from my own standpoint on the board, I would have to see what the proposals were and judge them accordingly at the time. I don't think it's possible to say offhand that there is a general principle that works in every case. It really is site-specific and project-specific.

Mr Patten: This is an informal committee, Christopher. I can see by your background that your direct life experience has immediate relevance to the responsibilities of the corporation. Are you familiar with Highway 416?

Mr Henley: Not really, to be quite honest.

Mr Patten: It goes from Highway 401 to Ottawa. Ottawa is a little tiny town east of Yonge Street.

Mr Henley: I'm familiar with that.

Mr Patten: Ostensibly, the purpose of providing this corporation was to facilitate the political mire that tends to occur, and one of the references and examples in our briefing note related to the corporation was, for example, Highway 407, which has been kicked around for 43 years, maybe 45 years, something in that neighbourhood. Likewise, in terms of Highway 416, in the area where I come from, people are saying that a major road like Highway 401 to the nation's capital still having a two-lane highway, a very unsafe road, was something in need of being rectified for sure. One government would move on it and the next one would say, "Hang on a minute," and then the next one would say, "It's back on the table again." Likewise, it's been going on for a long time. I gather the commitment for funding is there.

What are the advantages you see of a corporation, as you look at this right now, and what is it that drives you to say, "Boy, I can hardly wait until I get on this corporation to make my contribution by doing X"? What would that be?

Mr Henley: As someone who lives in Oakville and commutes every day, I think it's pretty evident, at least from my own experience, that the capacity, at least on the QEW, for example, is stretched and as a result it results in a fair degree of congestion, to say the least, and is not productive to the Ontario economy. From my standpoint, if toll roads can be put in place and give me the choice to determine whether I would take the QEW or some other toll facility, I would be happy to pay the toll to reduce the amount of time I spend commuting to and from my place of work. That's one of the advantages I see in terms of toll roads for people in Ontario, and that of course would have an impact on the economy itself.

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Mr Crozier: Welcome to the committee, Mr Henley. One of the reasons, in fact it probably was the main reason, that you were selected by our party to appear here, was to get some further insight into the actual operation of the Ontario Transportation Capital Corp. I see by your résumé that your firm was formed to provide strategic and financial advisory services to both public and private corporations. Is there an example of where you've provided that sort of strategic and financial advisory service in the province of Ontario? There were a couple of examples given, Hibernia, I think, and one other one, but what about in the province of Ontario where you've provided that service?

Mr Henley: I think the other one was in Ontario, and that, if I remember correctly, was Armbro.

Mr Crozier: ASCo?

Mr Henley: No. I assume you have a copy of my résumé. Is that correct?

Mr Crozier: I do, yes.

Mr Henley: Armbro Enterprises Inc—it's a public company on the Toronto Stock Exchange.

Mr Crozier: Oh, I see, okay. Right. That's a public company. I took the public sector to be government.

Mr Henley: No, I have not provided those services to government.

Mr Crozier: Oh, you have not. So you don't provide those services to government.

Mr Henley: No, and just so that you are aware, the company that I have now joined as of the end of 1995, early 1996, and am becoming a partner in, we are basically an equity house that provides financing to what I would call microcap, which is less than $10 million total market cap, and small cap, which would be characterized as $10-million to $400-million emerging-growth, for want of a better term, new-economy-type companies in the resource and technology sectors.

Mr Crozier: That's fine. I was a little concerned if you were providing it in the public sector as to how you would carry out your private duties in connection with your public, but there would be no conflict, would there?

Mr Henley: No, I don't see a conflict.

Mr Crozier: That doesn't surprise me; I just wanted to clarify it.

Frankly, then, beyond that and with the background information that has been provided to us—as I said, a little bit like my colleague, the information I have at hand now, provided by legislative research, gives me some good information on the operation of the Transportation Capital Corp, so I really have no further questions.

Ms Churley: Welcome to the committee. I have a personal question to ask you, I hope you don't mind. I have a copy of your résumé. Are you from Newfoundland?

Mr Henley: Yes, I am, originally.

Ms Churley: Where were you born?

Mr Henley: In St John's.

Ms Churley: You may have guessed by now that I too grew up in Newfoundland. That's why I ask. I should start asking you now, do you know So-and-so down the bay, right?

Mr Henley: Exactly. And then we can both commiserate on the fact it's a small world.

Ms Churley: Right, except I'm a New Democrat in Ontario and you might want to ask me how that happened, eh? You're a Tory from Newfoundland and there you go.

I feel that from looking at your résumé you're eminently qualified for this position. I do have a question to ask you that may seem to be coming from left field, so to speak, a little bit. Have you any background at all in environmental matters? I ask you that because I'm not fully aware of many of the issues that you would deal with, but I do know that more and more you can't mention

transportation planning without environmental concerns becoming a part of that. I think that is going to happen more and more over the years, as we're getting more and more studies that show we have, in particular in this general area, grave problems with CO_2, and of course there are a whole bunch of other issues around transportation issues. I'm just wondering if you have any background at all or if you're aware of some of those issues that I expect will keep coming up?

Mr Henley: In my previous work in respect to the Northumberland Strait crossing project, just for the committee's information, one of the issues that arose with that project was an environmental concern. After the original proposals were submitted and a short list was agreed upon by the federal government and the two provincial governments, there was approximately a three-year hiatus in respect of an environmental assessment review process.

During that process there was ongoing work in respect to the financing in the future of the process and the project, but that was one of the issues that we clearly had to deal with. It was an issue that we had to deal with from a process standpoint but also in respect of dealing with the financial markets and allaying any concerns they may have.

I guess secondarily I would note that when I worked for the present chief executive officer of BP Canada, I did corporate development work and one of the projects, in fact two of the projects, which I'll mention from an environmental perspective, I was based in St John's, Newfoundland. I had a long-distance relationship as it were and I was involved in the exploration offshore for our lands at the time and also involved in the establishment of the Hope Brook gold mine, both of which involved environmental issues and I dealt with the negotiations on those from both a federal and a provincial standpoint.

Mr Kormos: Once again, Mr Henley, we've been addressing this all day. The manner in which people get called to come here is that we go round robin, each caucus selects one, and as it was, you were selected by the official opposition. We've spoken to that.

We're going to be talking later, I hope, about that because all we had was a name and the position being sought and had we seen your CV or your résumé prior to today, I have no doubt that there would be no rational reason to have asked you to come here. You're eminently qualified and I'm going to support your appointment and credit the last government for its creativity in developing this corporation, and trust that appropriate credit will be given by the current government to the last government for the creation of that corporation.

But I do want you to meet my staff. I've got Ezia Cervoni here and Claudette Therrien and Peggy Dobrin. They're down here to see which Tory members are on committee. You see, they're unionized and so while these fellows are still on committee here, they're going to be going talking to their staff, telling them about things like job security, vacations, seniority rights and so on, which I think is kind of neat. To organize the Tory backbench staff would be something that would bring a little bit of justice to that workplace. Thank you kindly.

Mr Henley: Thank you.

The Vice-Chair: Mr Henley, we appreciate you coming today and we found your being here to be quite helpful.

Mr Leadston: Point of order, Mr Chairman: I'd like some clarification from the clerk. In terms of the comments and questions by various members of the committee—you know, we have them commenting about wasting the time of individuals coming down here to appear before the board and yet a great deal of wind is spent in senseless commentary. Isn't it the mandate of the committee to ask appropriate questions of the applicants that pertain to the position they're going to fill?

Mr Kormos: We are not going to use your cheat sheets.

Mr Leadston: I'd like some clarification from the clerk.

The Vice-Chair: It's my understanding, Mr Leadston, that each caucus is given a certain amount of time, allocated three ways to put on the record whatever they feel appropriate re questions or comment or whatever.

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Mr Leadston: So it's quite appropriate if I wanted to give the ingredients to my favourite recipe, that I could spend the time? It wouldn't be very productive; it wouldn't be very enlightening. I think it's more appropriate that we spend the time to talk about the candidates' capabilities and their background.

Mr Preston: Gary, it doesn't matter. He doesn't care how much he wastes time. It's his time to waste, and he does a good job of it.

The Vice-Chair: Okay, so we'll move on, then, to some further business so we can all get on with our busy lives and that which we feel is important to us.

Mr Kormos: Thank you for the floor. I appreciate that we're ahead of time, and that will be appreciated by everybody. As you know, members of this committee are all MPPs. They all earn the base salaries of MPPs, which translate to around 65 grand a year. Most of the government members earn pay in addition to that, by virtue of being parliamentary assistants or being Chairs or Vice-Chairs, what have you. In addition to the salaries, people who sit on these committees, as you know, when the House is not sitting, receive a per diem of $76 tax-free, plus another $27-a-day food allowance.

I have been extremely critical of the government members for telling poor people, unemployed people, people on welfare that they have to live for a whole month, in terms of food, on less than what a member of this committee gets by way of a per diem for one day, $90 versus $103, tax-free.

In view of that criticism, as I indicated last time I was here, I would not normally fill out my member's committee expense report. However, I did last week, and I indicated clearly that the $103 was going to be put into a trust fund to buy a gravestone for Stella Mae Williams, who died at the hand of this government.

Today I'm indicating as well, because of the incredible concern that's been raised by people with AIDS and people concerned about people with AIDS, about the impact of this government's hospital-closing policy on places like the Wellesley Hospital, I am going to be

filling out the committee expense report. I'm going to be making sure the money gets sent to AIDS Toronto People with AIDS Foundation, 399 Church Street. I would urge other members to do the same. It seems repugnant to me that a government can impose such hardship on so many people yet avail themselves of the luxury of a tax-free daily perk in excess of $100 when so many others out there are suffering at the hands of this government. Thank you for the floor, Chair.

Ms Churley: On another matter, I don't sit on this committee. I've been subbing last week and this week. Last week I asked at the last meeting for a profile of police services boards across the province. I wonder if I could ask if we have any knowledge as to when that report will be available; if I could also ask, because I don't officially sit on the committee, if I could be notified when the report comes forward so I can attend the meeting when it's discussed.

The Vice-Chair: The request has been made. We will notify you.

Ms Churley: I just wanted to formally request, since I'm not on the committee.

The Vice-Chair: We're not sure when it will come, because we don't know. But certainly when it comes, we'll let you know. Okay?

We'll move to concurrence, then, on the appointments of today. Will somebody move.

Mr Bob Wood: I'd like to move concurrence on the proposed appointment of Elizabeth Greville.

The Vice-Chair: Are there any comments on the appointment?

Mr Kormos: Question.

The Vice-Chair: Question? Mr Kormos.

Mr Kormos: I just called the question.

The Vice-Chair: Oh, question. I'm sorry. Okay. All those in favour, please raise their hand. All those opposed? Carried.

I would entertain a motion for concurrence on Mr Nadalin.

Mr Bob Wood: So moved.

The Vice-Chair: Any comment or debate? If not, all those in favour of the appointment will raise their hand. All those opposed? Carried.

Mr Crozier: Mr Chair, would you consider a motion for concurrence on the remainder: Mr Nicol, Ms Lundstrom, Mr Maund?

Mr Kormos: Please, Chair, if that requires consent, I am not going to consent to that. Unfortunately, there are some that have to be addressed. I appreciate your interest.

Mr Bob Wood: I will move concurrence on Mr Nicol.

The Vice-Chair: Any comment or debate on Mr Nicol?

Mr Kormos: If I may, there was one comment—and he was very candid and sincere when he talked about the need to develop community fund-raising to finance or fund policing. I appreciate that that was his response or what he perceived to be a practical response to difficulties imposed by a government that cares less and less about law and order and justice and the safety and security of people in their communities.

But I do want to indicate that, notwithstanding I'm supporting him, I am concerned about a person who is going to be part of a police services board who endorses or buys into the concept of—what have you—bake sales or raffles to pay for police cruisers or to pay police officers' salaries. I think that's an incredibly dangerous thing. It's very much in tune, mind you, with the sentiments and the direction of this government, but I think it's a very dangerous thing. I think it trivializes this important public service and I think the government should be very conscious of that trivialization, the devaluation of public service by police officers, among others, when police services boards have to contemplate, as I say, bake sales or raffles to fund the operation of the police services.

The Vice-Chair: Any further comment? If not, all those in favour of the appointment will raise their hands. All those opposed? Carried.

Mr Bob Wood: I move concurrence in the proposed appointment of Melody Lundstrom.

The Vice-Chair: Any comment or debate? All in favour of the appointment? Opposed? Carried.

Mr Bob Wood: I move concurrence in the proposed appointment of Douglas Maund.

Mr Kormos: I once again am going to make it quite clear that I think Mr Maund is an excellent appointment to the police services board, but I want to take the discussion of this so that I'm not caught up in some sort of procedural pettifoggery at the balance of these concurrence motions and prohibited from talking about the issue that I raised during our conversations with Mr Maund, among others. I think Mr Crozier was addressing that when he sought his, I suppose, omnibus approval of the balance of persons. Frankly, none of the others are in any way objectionable either, beyond Mr Maund, neither Mr Burton nor Mr Henley.

I appreciate that the government has an interest in trying to showcase good appointments. I understand that. There's no quarrel with that interest, the fact that it's there. But this committee has very limited time available to it in terms of the number of days that it meets. You know the difficulty in scheduling and getting access to time so that people can be brought through the committee to be questioned and interviewed and have their quality or their capacity or their qualifications determined.

In that regard it seems to me—and again, I was candid and sincere when I spoke about Mr Maund and the fact that had we had his résumé, his CV, prior to today—we would not have called upon him to appear before this committee. There are a whole lot of appointments going on and not all of the appointees can be interviewed, and I think it's important, yes. What do I think the goal and the purpose of this committee is? It's to avoid bad appointments. The good ones speak for themselves. The fact that they're Tories, as it appears, by gosh, Mr Maund might be, so be it. I have no quarrel with that because quite frankly he strikes me as a Progressive Conservative and not a reformatory, and in that regard very much out of sync with the policies of this government.

Ms Churley: That's true.

Mr Kormos: Section 106(g), if you'll check the standing orders, I think paragraph 1—there are paragraphs 1 and 2, if I remember them correctly, particularly paragraph 1; I hope I'm not confusing this; the clerk could

perhaps check the section—provides that the committee is to receive not just the names of the appointees passed through cabinet by virtue of order in council, but a copy of the application and their résumé. So it seems that the rules in fact provide for or facilitate that résumé and the application being delivered to the committee, not just on the day that the person is interviewed but when the names of the persons basically being considered for appointment are given to the committee.

I'm hoping that you, Chair, could make sure that policy is maintained, and we can go a long way to avoiding wasting a lot of people's time, in particular that of the public that comes here—some have long distances and come at great expense and inconvenience—and we'll clear out the obvious good appointments and address the ones we might have some concerns about. Those are the appointments that should be scrutinized.

1520

The Vice-Chair: If I might speak to that—

Mr Kormos: Am I right about the section, by the way?

The Vice-Chair: Yes. You're on the right section.

Mr Kormos: It's been a while since I looked at that.

The Vice-Chair: I've had a look at it. Just by way of some brief comment, I understand. It's always helpful to have as much information as one can in making decisions about bringing people forward. There is a small résumé put together, you'll recall, that goes out with the package we get from cabinet after the appointments are made that is sent to the whip of each caucus and one package to a researcher in each caucus. If you're saying that's not enough, that you in fact want more, then we'll have to have a look at that and see if that's possible. The only concern here is the amount of paper that flows then.

Ms Churley: It's the timing.

The Vice-Chair: That's right. The timing also becomes critical in that we receive this usually on Monday morning, and then, when the House is sitting, meet as a subcommittee on Tuesday at noon or shortly after noon, at 1 o'clock, and then we're into committee on Wednesday morning. So what I was told when we looked into this initially, the timing in getting the kinds of résumés you're looking for perhaps may not be—I'm sorry. Go ahead.

Mr Kormos: Please, Chair. Let's use Mr Burton for an example. There's one page, which is the standard form, which indicates Standing Committee on Government Agencies Review Information Form. That's provided modestly in advance of a person appearing here to be interviewed. Attached to that is the résumé or CV that applicant obviously used as part of his overall application package. In Mr Burton's case it's a one-pager; in Mr Henley's case it was a three- or four-pager. These things were available to the government months ago. They've been sitting around for a long, long time.

As you know, delivered to this committee on a regular basis is a list of all the intended appointments by the government from which the subcommittee chooses the persons to appear. I'm saying that the same public appointments secretariat application form with the attached résumé or CV should accompany that list of intended appointments, which is what you and other members of the subcommittee rely on to pick who you want to appear in front of the committee.

It's a little more paper, I acknowledge—my apologies to the trees, but we should be using recycled paper anyway—but it'll save a lot of time and I don't think it's an overly onerous task to impose. Otherwise, this committee is perpetually dancing in the fog and has no focus and less relevance.

Mr Bert Johnson: Mr Chair, I have a question.

The Vice-Chair: If I might, just for clarification, the researcher tells me that this discussion was had in the previous government, and the decision at that time was, in the interest of enough but not too much, that the certificates were accompanied by a short bio that was taken from the CV. What you're saying at this point in time is that that's not enough.

Mr Kormos: Quite right, and I don't care if the committee did it under the last government. If that decision was made then, I think time has proven it to be a wrong decision and we should do it the right way now.

The Vice-Chair: Okay, we're going to take that under advisement. We may have a short discussion about it in subcommittee next week to see if we can come up with something that is doable and we'll get back to you.

The question on Mr Maund then.

Mr Bert Johnson: No, my question was a little bit of the history about it. I'm not running for the leadership of my party yet, but when I do, I want to make the kind of nonsense that is.

Mr Crozier: We'll support you.

Mr Bert Johnson: I wondered, if we've been doing this for five years this way, then why all of a sudden do we want to change it? If this was good enough for an NDP government to grandstand on over the last five years, then why change it?

Ms Churley: Maybe this is a smarter committee.

Interjection: Because it might be better.

The Vice-Chair: Mr Leadston.

Mr Bert Johnson: Maybe a little while ago—

Interjections.

The Vice-Chair: Mr Leadston has the floor.

Mr Leadston: I find it rather interesting that the honourable member is requesting additional information when in fact today on two occasions, and in previous meetings, he was asking questions of the applicants and the information was contained in the information that we were provided by the staff. So it puzzles me. Obviously he's not reading the documents that he has currently but wants, in addition to that, more information.

Mr Kormos: Point of order, Chair: What is this man smoking?

Mr Leadston: Player's Light.

The Vice-Chair: Not a point of order.

Mr Crozier: Mr Chair, members of the committee, as a member of the subcommittee and acting as an arbitrator in this, I frankly think if the information's available and the persons send in a résumé, which would be more helpful in selecting those, I agree totally—not totally; I have to be careful—I agree with Mr Kormos that there are several of those who were called who very well might not have been called, had we known that. So let's take it under consideration.

The Vice-Chair: Okay, will do. On the question of Mr Maund, all those in favour of the appointment will raise their hands. All those opposed? Carried.

Mr Bob Wood: I would like to move concurrence on the intended appointment of Walter Burton.

The Vice-Chair: Any comment? If not, all in favour of Mr Burton's appointment? Opposed? Carried.

Mr Bob Wood: I would like to move concurrence on the intended appointment of Christopher Henley.

The Vice-Chair: Any comment? All in favour of the appointment of Mr Henley? Opposed? Carried.

We'll move to consideration of the subcommittee report that you've received.

SUBCOMMITTEE REPORT

Mr Bob Wood: I would like to move adoption of the subcommittee report. But before doing so, I'd like to draw to the attention of members that there's a typographical error: On the third line the date, March 6, should read March 7. So I'd like to move that amendment, so to speak, and move the adoption of the report and further move that the reading of it be dispensed with.

The Vice-Chair: Okay. All those in favour of adopting the report of the subcommittee will so indicate by raising their hands. All those opposed? Carried.

Thank you very much. We'll see you back here next Wednesday morning at 10 o'clock sharp.

The committee adjourned at 1527.

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*Preston, Peter L. (Brant-Haldimand PC)
Ross, Lillian (Mrs) (Hamilton West / -Ouest PC)
*Wood, Bob (London South / -Sud PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Churley, Marilyn (Riverdale ND) for Mr Laughren
Patten, Richard (Ottawa Centre / -Centre L) for Mr Bartolucci
Beaubien, Marcel (Lambton PC) for Mr Bert Johnson
Brown, Jim (Scarborough West / -Ouest PC) for Mrs Ross

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Wednesday 7 February 1996

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Mercredi 7 février 1996

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

Social Assistance Review Board

Intended appointments

Commission de révision
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 7 February 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 7 février 1996

The committee met at 1009 in room 228.

SOCIAL ASSISTANCE REVIEW BOARD

The Vice-Chair (Mr Tony Martin): We'll get the proceedings going here this morning and welcome the reps from the Social Assistance Review Board. Perhaps you could introduce yourself and the people at the table for Hansard and for our convenience and then just go ahead with your opening report.

Ms Maureen Adams: Thank you, Mr Martin. My name is Maureen Adams. I'm the chair of the Social Assistance Review Board. To my right is Mary-Louise Noble. She is the tribunal's general manager. To my left is Bill Tyler. He's the board's manager of finance and administration. I would like to take the opportunity to thank the committee for asking the board to appear today and to provide information and answer any questions that you might have about the board and its operations.

As you may know, I was first appointed to the board as a vice-chair in 1988, and in January 1995 I was appointed as chair of the board, so I've been the chair just over a year.

I would like to take the opportunity to outline briefly the board's role and mandate and to highlight the efficiency measures that the board has taken to address the significant growth it has experienced in its caseload in the past five years. As well, I would like to take the opportunity to address the issue of whether the tribunal's services are essential and should continue in time of government restructuring and downsizing.

I've provided tables for you at tab 5 of your materials that highlight the growth in appeals received by the board in the last five years. I'm just going to highlight some of the information in those tables for you. The most significant information is that appeals to the board increased by 170% between 1990 and 1995, and in the last three years the board has received 12,000 appeals annually.

In order to look at how the board could manage this growth in appeals, we undertook efficiency measures beginning in 1993. The most significant of those measures were reducing panels that heard appeals from three to one member. We did that so that we could hear more appeals. We introduced short decision formats so that members could spend their time holding hearings and write less lengthy reasons, we computerized our scheduling and decision-writing practices and we developed case management systems. By taking those measures, we were able to increase the number of hearings the board held by 189% and increase the number of decisions the board released by 180% in that same five-year period.

However, even with these changes, the board was unable to hear all the appeals it received and unacceptable scheduling delays developed. It took longer to have a hearing that was received by an appellant proceed to a hearing before the board.

In late 1994, new funding was approved and the board appointed new board members in 1995. In the last six months, the board has taken further measures to increase efficiencies and to enable the tribunal to hear more cases and eliminate the delay in scheduling hearings. In October 1995 the board began scheduling 50% more appeals. The decision-writing formats were again revised and 80% of decisions from the tribunal are now released on single-page decisions. We introduced teleconferencing hearings in the fall and are ready to incorporate them into the regular hearing schedule in the next month.

These measures resulted in further increases in the board's ability to hold hearings over 1994. We've now scheduled 57% more hearings, heard 50% more hearings, released 37% more decisions and reduced the delay in getting a hearing on and processing an appeal at the board. For the first time in five years we can now see an end to the delay in the scheduling backlog and predict that we will be current in scheduling within the next three months.

During this same period that the board was reviewing its efficiencies, the government also made financial and policy decisions regarding the tribunal sector, and as you know, the government appointed Bob Wood, a member of this committee, to review agencies, boards and commissions. In the throne speech and in the financial statement the government outlined some of the measures that they would be taking with regard to tribunals. The first thing that will be looked at is, should a tribunal or agency exist? Could an agency be merged with another? And if an agency remains, could it operate more effectively in times of declining resources?

Two other important developments regarding tribunals that I want to mention just briefly, and I'll be happy to answer questions, are the elimination of the Canada assistance plan—I'm sure most of you know that happens on March 31 of this year—and also that there is an ADM committee reviewing tribunals at the same time. That is an interministerial committee consisting of ADMs.

It is in that context of the review that I wanted to take a few minutes to highlight the tribunal's comments and observations with regard to whether this tribunal is essential. It is in that light that I'd like to make these following comments.

The first is that the provision of social assistance is a core government service. If social assistance is denied, there is no other income security program to which a

person may turn, because social assistance is the safety net of last resort. All three social assistance statutes that the board adjudicates are complex, legally, and they are frequently amended.

Case workers carry heavy caseloads and are required to make speedy decisions regarding eligibility for people who apply for social assistance. In such conditions of volume and complexity, mistakes are inevitable. If there was no external review, people would be compelled to take their matter before a court in order to obtain a review of their case. Court applications, as you know, are more expensive and less expedient than a tribunal system, and the courts at the moment have a high caseload and could not accommodate the additional demands of some 12,000 social assistance appeals.

The other thing that the tribunal does as an independent board is that it provides an important social safety valve in hotly disputed appeals by providing individuals with a review that is impartial, neutral and removed from the very ministry that made the decision about their benefits.

The need for a separate appeal system from the ministry is also important because the ministry is a party in all social assistance appeals. If ministry staff perform the role of investigator, prosecutor and adjudicator in the same appeal, there could be a public perception of a conflict of interest or a reasonable apprehension of bias.

In considering the issue of whether a tribunal should exist in these challenging economic times, the board reviewed the current situation in another jurisdiction in an attempt to see what happened in any other country that went through a significant downsizing in government and budget reductions, so we looked to Great Britain; we've done a little bit of research on what happened in Great Britain with respect to the tribunal system, so we present this information, if it is in any way helpful. We have the background research to our review.

As you know, in the last decade Britain has significantly downsized and reduced the services provided by government, and in doing so a distinction was made in the research that we've looked at between the delivery of government services and the policy decision-making role of government. In Britain, the delivery side is the area where services were eliminated, downsized or privatized, but in the policy decision-making area, including adjudicative tribunals, it was determined that these were a core function of government and should stay within the existing government structures. Therefore, while tribunals in Britain, as tribunals will do here, underwent merges and decreased budget allocations, the right to an independent appeal of social assistance matters was considered to be a core service of government in that country.

Having said that, I would like to add that the existence of the tribunal does not alleviate the need for reform, and this tribunal has recommendations for improving the appeal system, some of which come from other jurisdictions in Canada and some that come from Great Britain, where we've done a little bit of research.

The most significant of the recommendations that we have—and this arises, as I say, out of a review of similar tribunals in Canada—is the development of a consistent, province-wide internal review system. There is solid evidence in Canada and in Britain that this reduces unnecessary appeals and resolves straightforward issues at the first level in a percentage of cases—not all, but a significant percentage. Where appropriate, if board decisions were implemented locally, the board would not be faced with hearing the same issue over and over, as is the case at the moment.

If there were established procedures to allow for complete and early disclosure, settlement could be encouraged early and appeals could be withdrawn early. Often, social assistance recipients do not know the case they have to meet until they arrive for their hearing. If they had that disclosure earlier, municipalities and the ministry could settle more, and if an appellant felt he did not have an appealable case, he could withdraw his appeal far earlier in the process.

The last recommendation we have about improving the system is the representation of ministry staff at hearings. The tribunal can only decide an appeal based on the evidence that it has before it, and if the ministry does not attend or doesn't submit good factual and legal evidence, then the board is faced with making its decision based on the uncontested evidence of an appellant.

These are my opening comments. I want of course to give you the opportunity to ask for any further information on my comments and to ask any other questions you might have about the tribunal and its operations.

1020

The Vice-Chair: We'll rotate the questions this morning, perhaps not in huge, big chunks, but maybe in 20-minute segments. Would that be all right?

Mr Bob Wood (London South): As long as it's divided three ways, I'm not strong on how we divide it. If we reach a natural break point, why don't we go on to the next person, as long as you divide it three ways?

The Vice-Chair: We'll circulate in about 20-minute chunks. That way it gives everybody a chance to hear everybody else's questions. We'll start with the government side.

Mr Bob Wood: You very correctly raised the point of the existence of this board being at issue, and it is very much at issue. We're going to look at whether or not having this board is the most effective way of dealing with this problem.

However, I'd like to first take a look at how some of the decisions are arrived at. I wonder if you'd explain what happens after a hearing is held by a vice-chair of the board and a draft decision, I gather, is then prepared. What happens to that decision after the draft decision is prepared?

Ms Adams: It depends on the experience of the board member. The more experience the board member has, then their straightforward work can go to what we call quality control. It's an editorial control for typographical errors, grammatical errors and so on. That can go right out.

For a new member just coming on to the board, there's a little more review in the beginning. So what that means is that the member drafts their decision; it goes through the quality control process; it then goes to the legal department and the legal department looks at the decision and meets with the member and has a discussion, if there

are any concerns about any legal errors or if the decision doesn't seem to be lengthy enough for the type of complex issue that came before the board. Then the decision goes back through the process and out.

The decision-maker is the decision-maker, so there's no interference in the decision by another vice-chair, by the legal department, by myself, if I become involved in a case, which is extremely rare, or by the quality control staff.

That's the process. The member hears the hearing. If there's more than a single-member panel, of course they work through the decision together. One member presides at the hearing and the member who presides writes the actual decision. Does that answer the question?

Mr Bob Wood: Do you ever personally review any of these decisions?

Ms Adams: I review some decisions. In the earlier days at the board, when the volume wasn't high, all the decisions came through the chair just so that the chair had a sense of what the board was hearing and deciding. I would say that I look at the decisions of members who are on the board under six months. After that, it just goes through the regular system.

Mr Bob Wood: I'm a little puzzled. Are there board members who can't use proper grammar and punctuation?

Ms Adams: With the volume of work that comes through the board and the volume of decisions people are producing, I don't think it's unusual that there would be typographical errors in a first draft.

Mr Bob Wood: You don't think the board members themselves would be capable of proofreading a draft?

Ms Adams: The board members do proofread drafts. If a draft comes to the quality control department—and there's one staff member in that department who reviews all of the decisions—if there's no error in a decision, it goes right out the door; it doesn't have to go anywhere else. But that's our goal. Our goal is to have members produce decisions that can go out quickly.

Mr Bob Wood: I guess what I'm asking is, are there members on the board who cannot produce a draft decision that's grammatically correct?

Ms Adams: The purpose of having a review is to ensure that happens, and it happens in most cases.

Mr Bob Wood: I don't think I got the answer to my question. Are the members on the board not able to produce a grammatically correct decision?

Ms Adams: The members of the board produce grammatically correct decisions, but we have a check in case there would be error. That's the answer to the question.

Mr Bob Wood: I'm amazed. If the members can do it, I don't know why you would have a quality control unit. If the members are capable of doing this, why do you have the quality control unit?

Ms Adams: It's a proofreading function that is normal, I think, in any organization that's producing this volume of written work—here or anywhere else.

Mr Bob Wood: I wasn't aware that the courts did that.

Ms Adams: I don't know what the courts do.

Mr Bob Wood: They produce a much bigger volume of written work than you do.

Ms Adams: Mr Wood, I'm sorry, I don't know what the courts do. We have this to make sure that decisions go out that are clear and correct and so that we don't have to have another review of work. But as I say, we have one person who reviews the decisions that go through, and that's the purpose, to have correct decisions. Most of them are and don't require major review. It's a clerical function, that position.

Mr Bob Wood: Yes. I gather you lack confidence that the members of the board themselves can do that.

Ms Adams: The goal I think of any tribunal is to have the board members proofread their work and have it go through the system with minimal review. That's our goal and we meet it in most cases.

Mr Bob Wood: Yes, but apparently every one of these is proofread?

Ms Adams: Only in the early stages of new members on the board. The rest are not always proofread.

Mr Bob Wood: So the rest are sometimes proofread?

Ms Adams: It depends on the type of decision that's released. If it's a simple, straightforward decision, the members proofread it. They have a list to make sure that everything's covered off in the file and it can go directly out. The review is more extensive for new members for the first six months.

Mr Bob Wood: The review by the legal department—I haven't quite grasped why it is the legal department has to do that. Do the members not understand the legal principles that they're required to apply at the hearing?

Ms Adams: Legal review is a regular part of the tribunal system, primarily I think because so many of the members on the board are lay members. They are trained, but they're dealing with complex legal issues. Again, I want to be clear about that review. The review depends on the length of time you've been on the board, the complexity of the issue and whether you're a new adjudicator.

Mr Bob Wood: Would there be any instance where a member would be hearing an issue before the board where they wouldn't understand the legal principles they had to apply?

Ms Adams: It depends on what the issue is. I think that if a person was conducting—

Mr Bob Wood: The answer, I gather, is yes, there are cases where the board member does not understand the legal issues that they have to apply?

Ms Adams: No. I'd like to answer the question. I think what—

Mr Bob Wood: I thought you just did. Are there instances or aren't there where they don't understand the legal principles they're supposed to apply?

Ms Adams: I'd like to answer the question. I'm trying to answer the question. May I answer?

Mr Mario Sergio (Yorkview): Can we get the answer, please?

Mr Bob Wood: I won't interrupt your questions if you don't interrupt mine.

Interjection.

Mr Bob Wood: I'll ask the questions the way I choose to ask the questions.

Mr Sergio: But I'm waiting for an answer.

Mr Bob Wood: Answer the question, please.

Interjections.

The Vice-Chair: Mr Wood, you have the floor.

Mr Bob Wood: Thank you.

Ms Adams: Because this follows through, if a member was in a hearing and some legal issue developed that they weren't familiar with—because we can't train board members on every legal issue that could develop in a hearing in a five-week training program, because we have three statutes that are very complex—in a hearing if a board member had a concern about something that was raised, they could call into the legal department for advice. We have a special line so they can call from all over the province to get that advice, and they use that line if they run into an issue that they're not sure how to handle procedurally or legally. That follows through in the writing of a decision.

Members, including myself, like legal review. I like to go to a lawyer and say: "This issue developed in a hearing. This is what one party argued, but this is what the other party argued. This is what my thinking is. Are there any court decisions on this? Are there any past board decisions that I could look at to help me in my determination?" So board members are actually pleased to have legal review and it provides an important function at the tribunal.

Mr Bob Wood: I take it the answer is yes, they have issues come before them where they don't understand the legalities of them.

Ms Adams: They have issues where a new legal issue or principle may arise and they may need legal advice. In our statute we have a section that allows for legal advice from an independent adviser to the parties for board members, because there is a recognition that we have largely lay members and the legislation is complex. So board members do use legal advice in the conduct of a hearing and in the drafting of their reasons.

1030

Mr Bob Wood: I guess what I don't understand is that when they arrive at an issue before them that they don't understand the legalities of, why they wouldn't refer that to the legal department immediately.

Ms Adams: Pardon me? A legal department meeting?

Mr Bob Wood: I'm sorry; immediately. When an issue arises that they don't understand the legalities of, why would they not immediately seek the counsel of the legal department? Why would they make a decision before they—

Ms Adams: That's what I'm saying they do. If something develops at a hearing, they call into the legal department for advice on how to proceed. Oh, did you mean does a review happen before or after a decision is made? Is that what you mean?

Mr Bob Wood: No, what I'm asking is, once they get the legal advice, why do you have to check it again? If they don't understand the issues, why would they write the decision?

Ms Adams: Usually if that happens, the member would request the legal assistance. The only reason there's review of the work generally is for the newer people on the complex issues. They would ask for advice in a variety of ways. For example, if there's a three-member panel dealing with a complex spousal case, they would conduct the hearing, they would meet together as a panel, they would decide what evidence they felt was clear, what evidence wasn't, what the law was on this issue, what the law on that issue was. They might talk to the lawyers. They might talk to the lawyers when the first draft is done. They might meet together as a panel after the first draft is done. So there's a whole consultative process in the drafting of reasons. It depends on the member and the complexity and the experience they bring to the board and the length of time they're on the board.

Mr Bob Wood: I guess what I don't understand is how they could render a decision and then you have to have somebody else review it. If they understood how to make the decision, why wouldn't that be the decision?

Ms Adams: The purpose of legal review is to make sure that the reasons of the board member address the complexity of the issue, that if there have been court decisions on the issue, they're in the decision—I'm trying to think of what else—that if there have been previous board decisions on this, that's recognized, and to make sure there's a natural flow to the decision.

New members can do two things, and it depends on the member and how they like to work. Some members like to take their files and meet with the lawyer in advance of drafting their decisions. Some members like to do a first draft and ask the lawyer for feedback on the first draft. So it depends on the member how they like to set up the working of their first draft. If the issue's straightforward, they don't meet with their lawyer, they don't get input on the draft. It just goes through the system. If it is complex or they are new, then it goes through a different kind of review.

Mr Bob Wood: How many decisions would you personally review a year?

Ms Adams: Me?

Mr Bob Wood: Yes.

Ms Adams: Fifty, tops. I've been the chair since January and I haven't seen more than 50 decisions, probably.

Mr Bob Wood: What do you do with these after reviewing them?

Ms Adams: Usually I send them out. I send them back in the system to go out. If I discover training issues arising out of a particular decision, I might have some work done in that area, but that's it.

Mr Bob Wood: I'm sorry. What kind of issues?

Ms Adams: I'm just trying to think. Sometimes in a particular legal issue there are two developing trains of thought in the board, so I would see that. The legal department would see it before me, but I would see that if I see cases coming on the same issue that are decided different ways. Then we might have some training and analysis of the two trends developing in the board. But that would be it.

Mr Bob Wood: What do you do? Do you send it back to the vice-chair for revision?

Ms Adams: I've never sent a decision back to the vice-chair. I'm just trying to think.

Mr Bob Wood: What do you do with them? You identify two trains of thought on the board. What do you do about that?

Ms Adams: If there are two trains of thought on the board on an issue, we would do some legal work in the legal department. We'd present a training session to the

board members on the two developing issues to make sure that when they wrote a decision they considered both of them in their decision, because generally it's a legal issue where there's a possibility of two interpretations. So we want to make sure that board members cover them both off because those are the cases that usually end up on appeal.

Mr Bob Wood: Your review, I gather, does not result in any change in any of the decisions.

Ms Adams: Never.

Mr Bob Wood: So what you're really doing is just reading decisions that are made by other members.

Ms Adams: That's right. I don't review them in the way that the legal department reviews them.

Mr Bob Wood: Now, the procedure that you've described I gather is not mandated by the law. That's a procedure that's developed by the board itself.

Ms Adams: What procedure is that?

Mr Bob Wood: You've described how these decisions are dealt with after the initial hearing.

Ms Adams: That's right.

Mr Bob Wood: That procedure is not mandated by statute, I take it. That's a practice.

Ms Adams: No. There are two things mandated by statute: that the board can have independent legal advice from the parties and that the board must provide written reasons. The development of a legal department and review came largely out of the late 1970s and early 1980s, when the Divisional Court was critical about the board's conduct of hearings, written reasons and findings on credibility. The court regularly and routinely criticized the board in those areas. When the board was changed in 1988—and by that I mean a legal department was brought into the board at that time. Based on what the Divisional Court had said about the board, that led to the development of a legal department to provide advice and review for vice-chairs in their work.

Mr Bob Wood: Do you give any guidelines to the vice-chairs as to how they can examine or cross-examine the appellants and respondents at these hearings?

Ms Adams: We provide a five-week training program and, as you know, the board is bound by the rules and practices in the Statutory Powers Procedure Act. That's the basis of the training on that. It's legal training on how to conduct a legal adjudicative hearing, so we would be discussing cross-examination, we'd be discussing how evidence comes in, the role of the board in a hearing, that type of thing.

Mr Bob Wood: I gather they would follow the sorts of procedures you would in a courtroom, would they? What sort of guidelines do you give them?

Ms Adams: It's less formal than a courtroom, but it follows similar procedures, as would be outlined in the Statutory Powers Procedure Act.

Mr Bob Wood: So if they are of the opinion that a witness may not be telling the truth, they are entitled to cross-examine them?

Ms Adams: Not the board members.

Mr Bob Wood: The board member can't cross-examine them?

Ms Adams: No. The Divisional Court has been very clear that the board exceeded its boundary as a tribunal by cross-examining witnesses, that that was the role of the parties and that the role of the board was to hear the evidence and the cross-examination from the parties. Now, the difficulty, as you will appreciate, in a tribunal is that parties are not always represented. So when we train board members about what the adequate role for an adjudicator is in a hearing, it changes depending on who's in the hearing. If you only have an appellant and a board member, then the board member has to ask some questions, because otherwise, with the level of sophistication of people coming to the hearing, you might not have the evidence that you require to make a decision. In that situation, the board would have a different type of a role than it would if both parties or one party was represented. In a hearing that would have the director represented and the appellant represented, the cross-examination happens by counsel for both sides, or social workers or paralegals, or whoever is at the hearings.

But the Divisional Court has been very clear. They criticized the board for cross-examining. Witnesses have said that. That has also happened at the Immigration and Refugee Board, because the adjudicator is to hear the evidence presented and make a determination.

Mr Bob Wood: You don't interpret these decisions to suggest a vice-chair has less scope than a judge does?.

Ms Adams: Pardon me? Less what?

Mr Bob Wood: Do you interpret the court decisions to indicate that a vice-chair has less scope to examine a witness than a judge does?

Ms Adams: I regret that I can't answer that, but I'm not really familiar with the court system; I'm just familiar with the tribunal system and with the decisions that have come on point to our tribunal from a court on appeals of our decisions. Members ask questions in hearings, there's no question about that, but the role changes depending on who's in the hearing. If there's a legal rep in the hearing, then the legal rep should be asking the questions and the board should only be asking questions if they need a clarification. If both parties are represented, the board has the most minor role, because counsel for both parties should be doing the cross-examination.

1040

Mr Bob Wood: I gather that in your procedure you don't vet any appeal in advance to see whether or not it clearly lacks merit or is easily resolvable. Did I correctly understand what you said earlier, or do you do that?

Ms Adams: We try to do that, and that's one of the systemic problems with the system that I didn't address in my opening remarks but I'd be happy to address now. An appeal is initiated by an appellant filling in a form 1 to have an appeal before the board. In those form 1s we can have an appellant say, "My money was cut; I need an appeal." We don't know the basis of what happened until the director or the administrator—the director is the province; the administrator is the municipality—produces a written submission. The problem in our system is that those submissions are not produced early enough. We have no statutory authority to force them, although we now have new provisions in the SPPA to enforce disclosure earlier and we're looking at drafting rules in that regard. That means we don't really know what the issue is until we get a submission far later in the process.

That's been a problem that we've identified for a number of years, that the people who fill in the form 1s—the way a welfare recipient in some places finds out that their assistance has been cancelled is that they go to the mailbox and it isn't there. So they file an appeal and don't have a sense of what it is that the appeal is about.

Mr Bob Wood: I don't think what I've quite picked up yet—

The Vice-Chair: Excuse me, Mr Wood. Your time is up. You'll have approximately 12 minutes the next time we go around, which is what will be left. We'll move on to the Liberal caucus. Mr Crozier is going to lead off.

Mr Bruce Crozier (Essex South): Welcome to the committee meeting. I want to just have your comments with regard to why the board was established in the first place. It's my understanding, according to the information that was given us, that it was back in 1969. Perhaps there was a name change in 1974.

Ms Adams: Yes.

Mr Crozier: It's a requirement under the Canada assistance plan.

Ms Adams: That's right.

Mr Crozier: Mr Wood has referred earlier to—I can't recall the comments exactly, but the board is essentially under review. Am I correct in that, at least according to the current regulations under CAP, the board must exist?

Ms Adams: I can tell you about that. In order to develop cost-sharing between the federal and provincial governments related to social assistance, the Canada assistance plan was enacted. That plan had a number of requirements that provinces had to meet if they wanted to have the federal government cost-share in social assistance. The first one was that the province had to establish a procedure where there would be an appeal of social assistance decisions by a tribunal. The second requirement was that there could be no residency requirement imposed. The third was that assistance would be provided on the basis of persons in need on a basic income or means-tested basis. That is how the Social Assistance Review Board came into existence in Ontario.

As I mentioned earlier, CAP ceases on March 31 and will be replaced by the Canada health and social transfer. The only requirement that was in CAP that has moved over with the Canada health and social transfer is the requirement that there not be a residency requirement. However, I understand that there are ministers meeting across Canada to look at standards. There was press about that this morning, but we've known that they've been meeting to look at what standards should continue in this plan once CAP ceases. So after March 31 there will be no requirement under CAP for the board to exist.

Mr Crozier: I just wanted that clarification.

Mr Sergio: Ms Adams, if the directions of the board should change, where do you think some changes should be made? In what area do you think it's most important?

Ms Adams: I think I outlined the areas that I thought would be helpful in having a more efficient appeal system.

Mr Sergio: You're referring to the material, I know, but I just got the information; sorry.

Ms Adams: Okay. I'd be happy to tell you the areas that we thought—

Mr Sergio: I guess my question is, more or less, what area do you think is the most important area where changes should be made?

Ms Adams: I think the most important area is the development of a consistent, province-wide, internal review system, because the evidence from other sectors in Canada and in Britain indicates that if there is good internal review, then you will not have as many appeals proceeding to the tribunal. That's the most significant one. The second one is early disclosure so that an appellant knows why their benefits are being terminated, refused, cancelled, at an earlier stage than just prior to arriving at a hearing.

Mr Sergio: In answer to one of Mr Wood's questions, you say that you perhaps get to see or review, at the most, some 50 cases a year.

Ms Adams: That's me.

Mr Sergio: That's you.

Ms Adams: Yes. They're reviewed in other areas of the board.

Mr Sergio: I see. I can see from some of the tables here that there are thousands of cases.

Ms Adams: I don't review. There's not very much of a reason for me to review cases, because the review happens between the lawyer and the—I would like to review more if I had the time, because I'd like to have a better sense of what the decisions of the board are. I get the decisions after they've been signed in final form, so my review is not related in any way to the release of the decision. It's more an administrative review of the work at the board.

Mr Sergio: Your decision is not final?

Ms Adams: The board member's decision is final. I have nothing to do with their decision.

Mr Sergio: The board's decision is not final?

Ms Adams: Each adjudicator is an independent adjudicator who arrives at their own decision. I have no role in influencing or changing their decision.

Mr Sergio: Can you give us some ideas of numbers of appeals and the success rate of those appeals and stuff like that? I'm sorry; some of this information may already be in the document, but—

Ms Adams: That's okay. The information that we provided in the materials was in our annual report, the figures for last year. But I can give you the figures for the first three quarters of this year, projected, so you have a sense of what will be—sorry, I'm just finding the material here.

Mr Sergio: Imagine me trying to find out that material in here.

Ms Adams: Yes. I think the most significant information for you on what's happening at the board now is that, as I mentioned, for the last three years we've been receiving approximately 12,000 appeals and in 1995-96 we're projecting a 7% increase. So that will take the board to 13,000 appeals this year. I just want to get the outcome, because that was your second question. In terms of the appeals received by the board, and this is for April 1 to December 31, 1995, the board granted 30% of the appeals received and denied 54%, and some were referred back to the director for more work.

Mr Sergio: Yes, that's very significant. Why do you feel that the caseload is going to increase from 12,000 to 13,000?

Ms Adams: That's just projected on what's happened in the first three quarters of the year.

Mr Michael Gravelle (Port Arthur): Good morning. Thank you very much for being here. I guess another way of reading it was that in terms of cases that went forward to your tribunal, what I read earlier in some of the material that I was able to read was that certainly if an appellant's not there, it's just dismissed.

Ms Adams: That's right.

Mr Gravelle: That's right. And of the cases that were actually dealt with, approximately 50% were granted. I saw a figure that said 49% of those—

Ms Adams: That's right. The people who don't appear for the hearing—when we look at what decisions are released from the board, we have the three categories of what we grant, what we deny and a third category, what we call in absentia, where people don't arrive but we've scheduled a hearing, we're waiting for them and we have to release a decision. So if you take those in absentia decisions away, then you would have a grant rate of 46.3%. The annual report was 49%; that was the year before.

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Mr Gravelle: Okay. That's what I was reading, which I think obviously is a very significant figure, whether you use the 30% in terms of the total number that come forward. The fact that that many appeals are granted is significant and I think is worthy of some more exploration as to the value of the board itself. Obviously, you would argue that indeed it performs a more than important function in terms of people's right to appeal, and obviously a significant number of people are turned down, so a very high percentage, ultimately, are granted their appeal. I obviously don't want you to start pointing fingers necessarily, but what does that say to you in the sense of the importance of the board, that a very high percentage of people who come forward, who have been turned down obviously at another level, are granted the appeal? I can see some implications.

Ms Adams: I think I mentioned a couple of them briefly. The first is that workers are dealing with extremely high caseloads. So they're dealing with volume, and they have to make a decision quickly; so I think those two things in combination—it's what the studies show in Britain as well—produce an error rate.

The third thing is that—and I think this is a significant factor—the board can only decide the issue before it on the evidence it has before it. If the respondent is not appearing—the respondent being the representative for the director/administrator—if he doesn't appear at a hearing and file a written submission that's not factually or legally sufficient, then the board is faced with making a decision on the evidence that it has in the hearing, which is largely one appellant and a board member. I think that every new board member goes through this process of coming to hearings with only an appellant and a written submission that's not an adequate representation of the respondent's view, and that's a problem.

The other thing is, 1.8% of the caseload in the province ends up as an appeal to the board. So those 12,000 appeals we receive represent about 1.8%. Case workers, in addition to their caseload, don't have the time to be in hearings or to produce submissions. In areas where they have done a better job of that, where they've had to try an appeal unit and an informal review internally, they have actually done better submissions and had better results in the outcome when they come before the board.

Mr Gravelle: Can I move into the area of interim assistance?

Ms Adams: Yes.

Mr Gravelle: That is something that's obviously a serious concern, probably of the government as well as everybody else, in the fact that basically speaking, if I understand things correctly, approximately 80% of those people who come forward to your board request interim assistance. I think it's somewhere in the area of 80%; that's not inaccurate. Ultimately, again if I read this correctly, approximately somewhere in the area of 50% are granted interim assistance. That's sort of changed. The reasons are probably reasonably clear in that people who are needing assistance, generally speaking, do not have a great deal of means of their own. This is a controversial thing to some degree in terms of the cost, because if people's appeals are not granted, therefore they've received money that ultimately you've decided they shouldn't get. Is that a correct way or a fair way of putting it?

Ms Adams: I guess the correct way of putting it is that this has been a problem for every government that has been in power in Ontario and it's been a problem for the board because we're in the middle. We have a piece of legislation. It's in the act. It says that if a person applies for a hearing and they're in financial hardship, the board may grant them interim assistance to get them through the hearing process. So you have that on the one side, as you correctly identify: A person loses benefits, it's the last-resort social safety net and they don't have any source of income pending the board's review. So that's one side of the issue.

The other side is that a certain percentage of those appeals go forward and people lose on the merits. So we have municipalities particularly upset about that, that people lose on the merits and were granted interim assistance. The problem has always been there with interim assistance but it developed as we got delayed, because then people were on interim assistance for longer periods of time. There's no question we were meeting with municipalities; we were meeting with the province. We tried to look at ways of resolving this. The problem was, we couldn't get hearings on fast enough, so people were on interim assistance for longer periods of time.

However, under the legislation, we have to do what the act requires us to do. If persons make an application, we have to consider if they're in financial hardship and decide. People have asked this government and previous governments: Can it be recoverable? I think that's an issue that people have looked at and it requires a change to the act about whether, if persons lost on merits, the amount of interim they were paid pending their hearing could be recovered. But that's a policy decision of the government.

Mr Gravelle: I think it's very clearly from a humane point of view in terms of the reason why the board was legislated in the first place. Obviously, the important thing is to be sensitive and recognize that people who are in this situation are generally speaking in a state of distress. I think it's important to do that, and it would seem that some of the measures you're taking in terms of the backlogs are. I guess the teleconferencing is an interesting one too.

Ms Adams: I just want to add something on interim because I think it's important. When people talk about interim, I look at interim in terms of the total people who apply to board. You've mentioned that a certain percentage ask for interim, but if you look at the following figures, of the 12,000 appeals to the board, 6,000 asked for interim and 2,500 received it. So of the total appeals to the board, 24% receive interim and half of them lose their appeal, so 12% of the total appeals are situations where a person has been granted interim and loses on the merits. We can't determine the merits at the interim stage anyway.

Mr Gravelle: Thank you for the clarification. It's important, because the terrible thing about figures is that you can certainly read them in a variety of ways. I'm just trying to read them in the most clear way. It gets very difficult.

On the teleconferencing, do you think there will be a high volume of teleconferencing that you'll be able to do? In other words, we are talking, I presume, about someone sitting potentially in Toronto, someone sitting in my riding in Port Arthur, in Thunder Bay, and we're in one of the ministry rooms that's got those facilities and you're doing appeals. It that what we're talking about here?

Ms Adams: Yes. We piloted the project in November. I participated in the pilot because I wanted to know how it worked and if it was an effective way to do hearings, and it is. What we targeted for teleconferencing hearings were the very cases where we had a high no-show rate. We can get into the no-show rate if anyone has a question about that when it comes up. But the important thing about that is, if you can deal with that kind of appeal on the telephone, you don't have all the resources going out to a community to conduct a hearing. A case worker can conduct a hearing from their office phone and we conduct hearings at SARB in our office. We have a device attached to the phone, we call through to the Ontario telecommunications centre and they hook us up with the appellant and the case worker, if there is one, for the government and we conduct the hearing that way.

It will save us on travel and time, because in areas like Thunder Bay, if you had to travel outside of Thunder Bay for two or three hours to a hearing, you'd lose the travel time and there's the cost.

Mr Gravelle: You wouldn't even get to Dryden in two or three hours.

Ms Adams: The other thing about the teleconferencing hearings is that you can only deal with straightforward ones that are not legally complex or where there aren't issues of credibility. So we screen those out when we do teleconferencing. That's the first step. We're going to be piloting videoconferencing in the next fiscal year.

Mr Gravelle: I apologize. I think I was almost talking about videoconferencing when I was describing the setup.

Ms Adams: We can do videoconferencing on a computer monitor in our office.

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Mr Gravelle: Obviously it is important that you do everything you can to cut costs. We all recognize the need to do things in a more efficient manner, but it's just as important, if not more so, that we maintain a system that is fair to those people who are in need of assistance. I certainly applaud you for trying to find ways you can do things in a far more efficient manner.

Mr Crozier: I just want to get a little better sense on the no-shows. Let's say it's a case where the director or the case worker or whatever isn't going to attend the hearing. Do you get any advance notice of that? Do they tell you ahead of time, "We're not going to show on this case"?

Ms Adams: The worker or the appellant?

Mr Crozier: The director. I think you referred to the director, the social worker.

Mr Peter Preston (Brant-Haldimand): The respondent.

Ms Adams: Yes. When we look at the affirm-in-absentia no-show rate, we're generally talking about appellants who don't arrive for their hearings. I'm not sure if that's the question you're asking.

Mr Crozier: No. It's on the other side: the case worker. Does the case worker look at the appeal as it comes in that says, "We're not going to bother shooing for this one," and let you know ahead of time?

Ms Adams: No.

Mr Crozier: They don't. Would that be helpful?

Ms Adams: I think it would be helpful, in the same way that this board and other organizations have tried to streamline, if they looked at what they should appear on and appeared—which are the ones that are the more complex?—and they should be at the hearings. We don't know who will be at the hearing except if there's legal counsel from the director; then we would know about that. Other than that, when you arrive at a hearing, you don't know really who you'll be faced with seeing in a hearing. For the purposes of the outcome of appeals, I think from the perspective of a full and complete hearing, it's always better to have a worker there who can cross-examine the appellant and provide the evidence.

The Vice-Chair: We've going to have to move on to the third party, the New Democrat caucus, and we're going to start off with Mr Kormos.

Mr Peter Kormos (Welland-Thorold): You see, we New Democrats are just giddy about the fact that we're up two points in the polls, from 16 to 18, so there's all thus hubbub going on.

I've been looking at the numbers in the 1994-95 annual report, especially at the FBA appeals by issue and GWA appeals by issue. There are more than a few areas where there are just incredible numbers. They cry out in terms of the percentage of total cases and the respective issues. Then, when I look at those and look at the number of successful appeals, or at least the percentage of successful appeals, is there any post-hearing feedback to

the ministry or to respective communities if these can be identified as a problem?

What I'm saying is, there seem to be some patterns where there are a whole lot of problems around particular issues, perhaps in particular municipalities, where the process could be abbreviated if the initial decision-making was simply cleaned up. How was that responded to?

Ms Adams: I know what I've done since I've been the chair. I'm just trying to think of what happened prior to my time as chair at the board. We meet with the minister, usually quarterly, and in the initial meeting with a new minister we brief him on those very issues. What is a particular concern from an efficiency perspective is, should you keep hearing the same appeals over and over and deciding things the same way without getting down to the initial decision-making level?

We can identify, as you've stated, certain areas in the province where there are difficulties with certain types of appeals. We can give that information, but the main way that the tribunal speaks, as you know, is through its decisions. For example, when I first came on to the board, there were difficulties in some places regarding appellants doing job searches for work and whether they in fact knew what the requirements were for job searches. So through the board's decisions we saw improvements in that all across Ontario. People would apply for assistance as persons looking for work and the municipality would set out a policy that they were expected to meet. That helped to improve that in a particular area.

We can advise the minister of the trends and developments and we do, and of systemic problems and we do, but mainly the board speaks through its decisions. But we have identified that it is a problem to hear the same appeals.

Mr Kormos: I hope I'm correct, because I note that notwithstanding there's a fairly high rate of successful appeals to SARB, there is not a high rate of successful appeals of SARB decisions, nor is there a large number of appeals of SARB decisions to the Divisional Court.

Ms Adams: There's not a large number of appeals to the Divisional Court from SARB decisions and in every decision this year the board's initial decision has been upheld by the court, so there's not a lot of appeal.

Mr Kormos: I interpret that as an endorsement or an indication of the quality of the decision-making by SARB. Is that a fair interpretation?

Ms Adams: I would like to think that's a fair interpretation.

Mr Kormos: Has that changed, and can this be identifiably associated with the sort of quality control and the systems that are in place now in terms of the process of rendering a decision? Can that be identified as one of the factors which has contributed to the lack of criticism by the court?

Ms Adams: Yes. In the last number of years, in cases where the court has overturned a SARB decision, it's never been on an issue of the board has not written complete reasons, the board cross-examined or the board didn't address the issue of credibility properly; it's usually been on legal interpretation issues where there have been two views on a legal issue. That's generally what's been going to the court and generally they have been upholding SARB's decisions.

In a way, the court is the supervisor of the tribunal. If a party isn't satisfied with the board's decision either way, that party can appeal to the Divisional Court and the board is bound by the Divisional Court's decision. If the court says that when you're looking at credibility, you have to look at these factors, then of course those are the factors the board should be looking at when it's determining credibility and that's part of what the legal review would entail.

If a board member was making a finding of credibility and not using the factors that the court had indicated should be used, that would be pointed out to the member. However, the member still, as an autonomous decision-maker, could decide the case in whatever way they chose to, but if they didn't follow those court decisions, the chances are likely they might be appealed.

Mr Kormos: It appears that roughly half of all the appeals are resolved without going to a hearing. The reference is to them being settled. What happens there? How do you settle one of these without there being a hearing?

Ms Adams: We don't have a role in settling the appeals, but you're talking about the number of cases that are closed prior to having to go to a hearing and that number is high. What happens is, if there's counsel, then they can get disclosure of the file quicker and in areas where they do have an informal type of review, then the case gets an initial review and gets settled or withdrawn. There are many cases where an appellant, prior to the hearing, withdraws because when they meet with counsel or look at the decision that's been made by the administrator, they realize they perhaps haven't met the criteria of the regulation and they withdraw their appeals.

But for us, the withdrawal rate doesn't work well. We don't end up having to hear those appeals, but we've processed them. We may have scheduled hearings for them and right at the last minute they may be pulled off. From an efficiency perspective that needs to happen far earlier in the process. If a hearing is pulled off three days before, it's unlikely we can get another one on.

Mr Kormos: That's a problem the courts have and all of the tribunals have.

Ms Adams: Yes, it's a problem everywhere.

Mr Kormos: But that means there are decisions rendered in approximately half of the appeals each year?

Ms Adams: That's right.

Mr Kormos: In the case of 1994-95, some 6,000, again give or take.

Ms Adams: That's right.

Mr Kormos: It's every one of these decisions that goes through the process you were speaking of at the outset?

Ms Adams: No, not all of them.

Mr Kormos: Okay, help us here.

Ms Adams: It depends on the experience of the board member and it depends on how new they are. Those things go hand in hand, but our experience is that the people who have done adjudication before or the people who have had some legal training before need less review for shorter periods of time.

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Mr Kormos: Okay. I wasn't trying to imply every single one, because I heard what you had to say. So it's good we cleared that up. Every single one, all 6,000, give or take, are of equal impact and value, whether they're a one-pager or a 10-pager or a 20-pager.

Ms Adams: Yes, that's right.

Mr Kormos: You, as the chair, I trust, notwithstanding that there are 6,000 decisions rendered, try to keep on top of the sort of stuff the respective vice-chairs are dealing with.

Ms Adams: That's right.

Mr Kormos: One of your goals in reviewing decisions made is for that purpose, to have a handle on things.

Ms Adams: That's right.

Mr Kormos: I trust decisions are used as precedents. Is that correct?

Ms Adams: The binding precedents are from the courts, but a previous board decision is persuasive and what that means is that if you choose to go in a different direction, then in that case you just have to outline why, but they're not binding.

Mr Kormos: Fair enough, because they're at an equal level in terms of the hierarchy of authority, but when you say persuasive, surely counsel for appellants or respondents will produce any number of previous decisions—

Ms Adams: Absolutely, yes. So if I was adjudicating—and I do adjudicate appeals—an appeal and counsel comes for either side and produces board decisions that have been rendered on the same issue, then I look at them and I have to decide, are they relevant to this, am I persuaded in the same way the previous panel was? If I am, I accept that reasoning; if I'm not, I say why I'm not. That works with both sides, so government representatives bring board decisions going a certain way and representatives for the appellant bring decisions as well.

Mr Kormos: I trust, then, that the quality control you were speaking of when you were first responding to questions, in particular by Mr Wood—granted, the quality control process may identify a typographical error or a grammatical error or what have you, but I trust the real goal of that is to make sure that a decision, because it has the potential of being referred to in a subsequent determination—I trust the primary goal, and tell me if I'm wrong, is to make sure the decision is clearly articulated, so that it isn't ambiguous, so that it's say what you mean and mean what you say time.

Ms Adams: Yes. That function is carried out by the legal review. The quality control review is a clerical function related to the other things, editorial-type things. But the legal review looks at the very issues you've identified.

The other thing is that there is a power in our legislation to have a board decision reconsidered at our level, so a party can ask for a board decision to be reconsidered and there are certain criteria the board looks at in determining whether that will happen or not. So it's important the initial first decision be written well, well-thought-out, well-reasoned, to prevent appeal internally or externally. That's really the goal of it.

People can have a very different decision than one I might take, but that doesn't matter; what matters is that a well-written decision, if it gets before the court, will the court understand why the board decided this in a certain way, not whether I or anyone else agrees with the decision of the individual adjudicator? Is it well-thought-out, reasoned, clear? That's what we look at.

Mr Kormos: I know you appear to be blessed by not being a lawyer.

Ms Adams: I'm not a lawyer.

Mr Kormos: Bless you. I can say that because I am a lawyer and I understand the problems.

I just want to comment on this: Even from the point of view of grammatical sentence structure, all of us involved in looking at decisions have noted the incredible confusion that literally a misplaced comma can cause when it comes down to having to interpret that and apply it to a set of fact circumstances. I guess I'm not as bothered by the fact that there's quality control as some other people may be.

Ms Adams: I think my comments related to, the work that any of us do, in your capacity as politicians, people proofread the work. The word "not" and the words "may not" totally change the whole content of a decision and that's the purpose of the review. People are dealing with volume. People proofread their work and they think they've identified all of the errors in the work and it's not necessarily so, even some of our best board members.

Mr Kormos: Read Hansard once in a while and you'll see that more than a few members of this Legislature wish their speeches were proofread before giving them.

Ms Marilyn Churley (Riverdale): Nobody over there on that side of the floor, of course.

Mr Preston: Especially the profanities.

Mr Kormos: Although we've got an idea of the number of vice-chairs and the number of cases, I didn't see any data about the average length of a presentation, and that is to say, the evidence put forward, and then what type of time frames are involved in evaluating that on the part of the adjudicator, because I hope that it's not sausage factory type of decision-making, that it involves reflection, reference to the law, as you pointed out, consultation with legal counsel to make sure you've got a clear handle on the law and what precedent-setting decisions might have done to interpret the law.

Ms Adams: Are you talking about the length of time of a hearing?

Mr Kormos: The length of time of a hearing and then how much time would an adjudicator or a vice-chair spend—and again, I appreciate this can range.

Ms Adams: I think it's an important question, because we looked at case management strategies since 1993 to more effectively use the hearing time we had. In areas we knew there would be a higher number of withdrawals and resolved hearings prior to the date, we overbooked those kinds of hearings. So for example, we would book four hearings for the one slot. The courts are just starting to look at doing that now to deal with volume.

Mr Kormos: To the chagrin of lawyers, because they have to stay in one courtroom all week, whether their case gets called or not.

Ms Adams: When we overbook cases, we don't do them in cases where we know there's a lawyer on file, because it's not an effective way of moving those things through quickly.

We look at overbooking hearings, then we look at standard, straightforward hearings, and most hearings at the board take between one hour and one and a half hours. That's the majority of the work. Then the other hearings are usually half a day and sometimes up to three days on the spousal cases, the spousal and the charter being the most complex. We look at what type of issue, who we know in advance will be at the hearing so we have adequate time, and we overbook. Every tribunal and court now overbooks so that if things do drop off, you've got something else to fill in the slot. That's the goal.

Mr Kormos: I trust there's some cognizance of the need for an appellant to get a speedy hearing, especially when you're dealing with community and social services issues.

Ms Adams: There's no doubt about that and there's no doubt that's been a serious problem for the board and one that's concerned the board. You can't have the kind of delays we've had—and we've had serious delays. There have been large improvements in the last year, but we have had serious delays that are unacceptable. We've been putting all our efforts into reducing those delays.

Mr Kormos: These delays, I trust, among other things, would mean either that there's going to have been an overpayment or there's going to have been a denial of a right for a protracted period of time, in either case a gross injustice.

Ms Adams: That's right, and the block was in the scheduling department. The files arrived and sat there waiting to be heard. We've improved that, but the delay we have is still not acceptable.

Mr Kormos: In terms of the workload of a given adjudicator, what does their work week consist of? Let's face it, SARB, along with WCAT, along with a whole lot of other adjudicative tribunals, is clearly under intense scrutiny for motives that may vary from moment to moment, at least.

In terms of the workload that SARB is handling now, are you talking about the need for an expansion of resources?

Ms Adams: No.

Mr Kormos: Tell us, then, because I surely can't see you working with less resources.

Ms Adams: As you know, if there's a volume increase in appeals, there are a number of things you can do. The first thing you do, and this happened to us initially when the volume began in the early 1990s, is you try to streamline. That's the first thing.

The second thing you do is you say, okay, we're doing three-member panels. Is there any way we can get away from three-member panels? So you go from three members to two to one, which is what we did.

Then you look at writing. Because of what had happened in the courts, there was a balance off between what a member would hear and what a member would write, so you had to build into the schedule writing time as well as hearing time. So as you tried to hear more, you shortened what you'd write. That was how the balances shifted over the years. Now the board members are assigned—it depends on the complexity—up to 15 cases a week and they're scheduled on five a day, depending on complexity. If they're straightforward, they get five; if they have a spousal case, they might get one for that day. So they have three days to do that and then they have a day to write the hearings, and that's built into the schedule.

We have a board that has regional members, so on Mondays, the board meets as a whole and the board also prepares the pre-hearing work necessary to get those 15 files ready for hearing for that week. So that's basically how the workweek goes.

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Mr Kormos: Are you aware of the history or a history of consultation with, for instance, the chair, in this instance SARB, for the purpose of considering new appointments or reappointments?

Ms Adams: Could you repeat that?

Mr Kormos: You see, that needed quality control. That's the very sort of thing, Chair, that needs some editing. In the past, has the chair of SARB, to your knowledge, been consulted about the appointment of new members or the reappointment of members?

Ms Adams: I was involved in appointments in the first year of my term as chair, so yes, I was consulted.

Mr Kormos: I ask that with respect to SARB because that's been historically the case with most, be it police services boards, liquor licence board, WCAT and so on, that the chairs usually have been consulted. Has that consultation been maintained to the present?

Ms Adams: I think people know that there were recent appointments to the board and I think it was public. As you know, the appointments are order-in-council appointments, they're Premier's appointments, and it's the Premier's prerogative to decide in what fashion people will be appointed to the board and to what level the chair will be consulted. In previous governments, it was done differently but always done with the understanding that they were recommendations and that the Premier always made the decision about appointments. But the last couple of appointments to the board was a different process, and I think that's been public.

The Vice-Chair: Your time has elapsed. You will have another 12 minutes when we go around.

Mr Kormos: That's hard to believe, Chair.

The Vice-Chair: I know, but that happens. So we'll move to the government caucus.

Mr Bob Wood: I have a couple more questions, Mr Chair. From the time of the hearing, how long does it take to actually issue the final decision?

Ms Adams: Six weeks. The delay in the board is getting the hearing on; it's not in the release of the decision.

Mr Bob Wood: After the hearing is held, it takes six weeks before a final decision is rendered?

Ms Adams: That's on average, out the door, yes.

Mr Bob Wood: So the process you described earlier takes six weeks?

Ms Adams: That's right.

Mr Bob Wood: Okay. Do you see any reason why what this board does couldn't be done by a Small Claims Court judge?

Ms Adams: I'm sorry, again, to say that I don't know what a Small Claims Court judge does.

Mr Bob Wood: A Small Claims Court judge basically deals with all kinds of civil issues under a limit of $6,000.

Ms Adams: Yes, I'm familiar with that part.

Mr Bob Wood: Do you see any reason why what you do couldn't be done by a Small Claims Court judge?

Ms Adams: I'm not sure I understand the question. You mean that the body of work would go to the Small Claims Court?

Mr Bob Wood: Suppose the government abolished your agency tomorrow and said, "This is going to be done by a Small Claims Court judge." Do you see any reason why that couldn't be done?

Ms Adams: I think that's a decision that you would have to make. It's a policy decision.

Mr Bob Wood: We understand that. We're asking you, do you see any reason why we couldn't do that?

Ms Adams: The tribunal has a historic expertise in the area. I don't know if a Small Claims Court judge does. I don't know if it's more cost-efficient to do it. We're talking about 12,000 appeals a year.

Mr Bob Wood: It costs you $1,000 a decision on average.

Ms Adams: No, that's not what the cost is.

Interjection.

Ms Adams: Oh, per decision, yes.

Mr Bob Wood: I don't think it costs $1,000 a decision from a Small Claims Court judge.

Ms Adams: I wouldn't know what it costs.

Mr Bob Wood: Can you suggest any reason why the Small Claims Court judges couldn't do this?

Ms Adams: I think that's your decision about whether you'd like to move a tribunal and you would have—

Mr Bob Wood: We understand that. We're inviting you to tell us why it would be a bad idea.

Ms Adams: I don't know enough about how that works or what that would mean. All I can tell you is that I know how the tribunal works, what we do. You know how the Small Claims Court works and what they do, and that would be a decision I think that you would have to make. It would remove it from the parties, so there wouldn't be a party problem because they wouldn't be a party to an appeal, but other than that, I don't have any other comments on that.

Mr John Hastings (Etobicoke-Rexdale): Ms Adams, since you came to the board in 1988, could you tell us whether there was a procedures manual or an organizational practices manual on how SARB operated? Most public sector organizations do, so I presume there must have been some kind of procedures manual or whatever you call it.

Ms Adams: Yes. Where are the manuals, Mary-Louise?

Mr Hastings: I'd be curious to know what its thickness was compared to what it has become, or did it go the other way? If it was 50 pages, say, or 30, did it go down or did it go up?

Ms Mary-Louise Noble: Actually, I think I can answer that question. When the chair came to the board—I came to the board shortly thereafter—there was a procedures manual that seemed to be quite out of date. It was written, I believe, in the early 1980s, so it wasn't used. We now have a procedures manual that I think is written and the information that's provided to you deals a lot with the legal issues: how to deal with proceedings of the hearings, evidentiary issues, Divisional Court cases, case law. So that has become an updated procedures manual.

Mr Hastings: Did it get thicker?

Ms Noble: It got thicker because of the Divisional Court cases, for one, that I know of.

Mr Hastings: The other item I'd like to query you about is the number of cases increasing this year or in prior years. There's been a trend upwards, I presume, on the number of appeals. Do you believe that is attributable to sort of an open-ended approach to people being able to appeal, that they are able to appeal practically anything? And (b), do you think there ought to be, if it is open-ended in terms of reasons—or no reasons, simply you were turned down initially when you made an application for welfare—any kind of a limitation or set of reasons?

My other question deals with the administrative practices of how these appeals are handled. Do you believe that the caseworkers in Comsoc and the management and administration of Comsoc require more—how shall I say it? Do they need to look for ways of prevention, if you will, to reduce the number of cases so that they don't even end up at sort of what I'd call a prehearing situation? I don't know the term you use. And do you have any specific recommendations on how that could be implemented?

Ms Adams: Thank you for those questions. I'll start with the first one, and that is the growth in appeals. The right to appeal is set out in the legislation and not in the regulations, so there's been no change in the right to appeal. A person can appeal if their benefits have been refused, cancelled or varied, so that has not changed. In the regulations there have been changes over the years related I would say primarily to assisting people who want to work. So there have been changes in looking at allowable earnings levels, self-employment and so on. There have been those kinds of changes, but the growth in those appeals is not significant.

There is definitely a trend with the growth in appeals that follows the growth in the caseload, so as the social assistance caseload increased over the years, the appeals to the board increased, and I think I mentioned earlier that appeals to the board represent 1.8% of the total caseload. Now, the caseload is going down, as you will I am sure be aware, and the appeals have not gone down along with that. There's usually a period of time for that to hit the tribunal.

1130

The second thing is, whenever there are changes in regulations that restrict things that may have been available before, there's an initial number of appeals that come before the tribunal till that issue gets settled. The biggest growth in appeals could have been the rate reduction, but the board determined that we would not hear the rate reduction because it was a regulatory change in a table in the regulations. So we didn't hear those appeals. Does that answer the question?

Mr Hastings: Yes, to some extent. Do you think there ought to be better supervision or training, or what is it?

All those directors, how they slot the stuff up into the appeal situation?

Ms Adams: Yes, and I think the province has started to do that. In the last year they've trained case presenting officers at the provincial level and there's been an increase now in representation at hearings before the board. The tribunal assisted in the training of those workers. We spent a day with them for eight or nine months, training them on the tribunal and the law and so on. That has been an improvement to the board because we have better evidence to consider with a trained case worker being in attendance at the hearing.

If I'm being repetitive, please stop me, but the problem is the volume of work that the initial case worker is looking at in dealing with and making decisions on eligibility. That volume is so high, and in areas where there's a requirement that the case worker put something in writing about why the decision has been turned down, that immediately improves the whole process because at that early stage people then know what the issue was and what the basis of the decision was.

But we've supported training and the Ontario municipal social service agency has a training program now for municipal welfare workers, and all those steps improve initial decision-making. If it's improved at the initial level, it will stop appeals coming forward to the tribunal. But there's nothing provincial that's consistent, so a municipality may decide to do some training, and the province may.

Mr Hastings: What I wanted to ask you finally is, with the CAP ending and the—what do they call it, Canada social transfer and all those initials?

Ms Adams: Canada health and social transfer, CHST.

Mr Hastings: Do you expect there will be an insistence by the federal government that an agency like yours continue under the new block grant funding that Ottawa seems to be prepared to go towards?

Ms Adams: We've talked to the ministry staff about what is happening with the CAP/CHST and the only information we had was that there was a ministers' meeting across the country to try to look at that. So I really don't know. What I read in the papers today seems to suggest that the province as a whole would like the federal government to be more involved in social security delivery, but I don't have any more information than that.

Mr Preston: How many appellants appear before the board with legal representation, and who is paying for the legal representation? That hasn't been quality checked yet, but carry on.

Ms Adams: I'll answer who's paying while Mary-Louise finds out how many come before the board.

The primary group of people who appear before the board are paralegal workers and lawyers from community legal clinics, so the legal aid system pays for that. It's not the legal aid certificate system where you get a certificate and go and retain counsel; it's out of the community clinic network.

Mr Preston: Just a percentage of how many. I don't want to know if it's 932.

Ms Adams: Yes, I'm just looking here.

Mr Preston: Half of them; 25%?

Ms Adams: In 28% of the total appeals there's a legal representative with the appellant. That's for April to December of last year. That's consistent. It's been the same for the last number of years. What we've started to look at now is, in what cases does the respondent send a representative to hearings? In the last year, 40% of the respondents sent someone to a hearing.

Mr Preston: That means 60% of those hearings were automatically given to the appellant? If your respondent doesn't appear, who wins the case?

Ms Adams: No, no. If the appellant doesn't appear, the appellant loses the case. If the respondent doesn't appear, it has no material effect other than the fact that there might not be enough evidence and the outcome might go to the appellant. It's when the appellant doesn't show that they lose, because the director's made a decision and they haven't refuted the decision. They lose if they don't show up. If the respondent shows up, it just goes to whether they have enough good evidence to uphold their decision.

Mr Sergio: One more question. Ms Adams, is the original intent with respect to this service that the board should have provided at the beginning still being provided today or has that changed?

Ms Adams: The service that the board changed?

Mr Sergio: No, no.

Ms Adams: I'm sorry, it's the microphone problem. I can't actually hear you.

Mr Sergio: The delivery of service, if you will, that the board was set up to provide, has it changed somewhat drastically or is it still performing the same duty that it was established to do originally?

Ms Adams: The primary duty of the board is to adjudicate appeals, as you know—

Mr Sergio: Yes, I realize that.

Ms Adams: —and to release written decisions. That's primarily what the board has done. In recent times, the board has done other things like publish its decisions and so on. There have been other functions added into the board to enhance the work that it does, but the primary function has remained. The changes at the board have related to growth in appeals.

Mr Sergio: I believe that in fulfilling those needs and providing that service, from the answers we have been getting, changes have been made. Is it because of the change in needs?

Ms Adams: Mm-hmm. You're right, there have been significant changes. As I outlined, when I came to the tribunal, we were writing decisions that were 10 or 12 pages long. We're now writing decisions that are a page long in straightforward cases. Those kinds of changes that have happened have been as a result of trying to deal with volume without compromising rights, and we think we've been able to do that with the changes that we've made at the board.

Mr Sergio: Perhaps this question has already been asked. but how long would it take for a case from beginning to end, let's say? How much time would that involve?

Ms Adams: I'll just get it in the materials. I'd like to answer that question by saying that the delay is still unacceptable, but right now—this is for the appeals

received in 1995-96, how long it took to process them—it took 4.5 months to get to a hearing and 1.5 months following a hearing to receive a decision. That's a large improvement over the year before. As I mentioned in my opening comments, we can see now that we're going to be current within the next three months. This is all related to getting hearings on, so once we deal with the backlog in the scheduling unit, then it won't take that long to process an appeal.

Mr Sergio: I don't want to belittle the suggestion that perhaps another body such as the Small Claims Court could do the job, but can you please spend a little bit of time, if you have time to respond to that, on how this could be accomplished when it takes months and years to bring one particular case to full completion?

Ms Adams: Are you talking about in the small claims system?

Mr Sergio: Yes.

Ms Adams: The problem I have with answering the question is that I'm not that familiar. I know the courts generally take almost a year longer to process appeals than we do, but I don't know if that applies to Small Claims Court. I think when you look at a system generally, tribunals generally are more cost-efficient than a more legal proceeding.

1140

Mr Sergio: I thought the idea could have had some merit. Are you saying then that the time period would be even longer through that particular—

Ms Adams: I'm saying that I really don't have sufficient information about Small Claims Court to answer your question.

Mr Kormos: Yes.

Ms Adams: I'm sorry, but I'm just not that familiar. The courts generally take longer.

Mr Sergio: We have another lawyer saying yes.

Ms Adams: The courts generally take longer. I don't know if that applies to Small Claims Court.

Mr Gravelle: The review that is being led by Mr Wood on, I guess, all agencies, boards and commissions, is your board involved in some manner in terms of discussion with him and the committee that's studying it? Have you had meetings—any kind of discussion?

Ms Adams: Not at this time, no.

Ms Churley: Typical.

Mr Gravelle: Do you hope to have an opportunity to meet and discuss with him? Obviously, even in a format like this which is very, very short, we're all trying to get the best sense of the operation of your board, but would you like to have the opportunity to do that?

Ms Adams: I understand just from the press, when Mr Wood has spoken to the press, that he hopes to meet with the tribunals and talk about their work. That's the extent that I know what will be happening at this time, but I understand from him, from what he said in the Globe and Mail, that he would be meeting with the tribunals to discuss those issues.

The Vice-Chair: Bob?

Mr Bob Wood: I won't take up the Liberals' time.

Mr Sergio: What line of accountability exists between your board and the ministry?

Ms Adams: We're presently developing a memorandum of understanding which is generally the document that outlines the relationship between the chair and the minister and between our civil service staff and the equivalent deputies. So we're in the process of doing that. It's not in final form yet, but while we're undergoing that process, we meet with the minister quarterly, as I mentioned, and we produce quarterly financial reports that look at the financial nature of the board's budget and also all the statistical changes and any significant variances in cases received, decisions released. We report on the backlog in the organization in terms of the hearings that are to be scheduled, on the efficiencies that we've attempted to work on, are they being effected and are we having declines in the backlog and so on.

Mr Sergio: This is being contemplated to be put in place now. What has happened since 1988, or since 1969 rather? No accountability system, no people—

Ms Adams: No, no. This system is the same under this government as it was under other governments in terms of accountability between the chair and the minister. So that's not any different. I should say that the whole social assistance system, as everyone knows, is being reviewed as part of the reform of the system, and we'll be part of that review as well. That's a ministerial review.

Mr Gravelle: If I can just slip back to my previous point, I would certainly hope that Mr Wood's committee would make an effort to sit down and talk to you, and I would think that's what your intentions would be before you make—

Interjection.

Mr Gravelle: Well, I think it would be extraordinary not to at least use the opportunity to more deeply figure out just how the process does work.

Ms Churley: Scandalous.

Mr Gravelle: I wanted to ask you, if I may, just in terms of the makeup of the board—and I apologize if it's been asked previously too—clearly there are—perhaps "regulations" is the wrong word, but there is a system in place. We had somebody who was previously nominated for this board appear before the committee and her responses were, in many cases, "I can't respond because I'm just simply going to follow the rules." In other words, there are things in place that help you determine your decisions, that on this basis you can approve and on this basis you can disapprove. You're looking at me quizzically. Am I not making any sense?

Ms Adams: Is this the most recent review of a member appointed to the board that's in Hansard?

Mr Gravelle: Well, I only use that as an example. I guess the reason that I'm using that as an example is that a lot of her responses were based on: "I can't give you my opinion on that because my opinion doesn't matter. I'm going to be governed by simply the way the regulations and the way the process is worked out."

Ms Adams: Yes, and the evidence at the hearing.

Mr Gravelle: Having said that, I guess there is the potential for some flexibility in terms of decisions based on the evidence that's put forward, based on the case that's put forward. I guess my question, what I'm leading towards is that, in terms of a philosophical position, if that's in any way appropriate, is there, in your opinion,

an attitude or an approach or a degree of sensitivity that's crucial or important in terms of members of this board in making those decisions?

Ms Adams: I guess the way to answer that question is to answer it in this way, to say that people bring views to their work at the board. That's happened in previous governments, with people coming to the board perceived to have a certain perspective. It happens with judges. Judges come from this kind of a community, representing these interests, and judges come representing the other interests.

Our goal in the training program at the board is to talk in depth and at length about the impartiality and neutrality of decision-making, about the biases that one brings to the tribunal to be set aside and to decide the issue before you based on the evidence and the facts that you hear at the hearing. That's historically been a difficult transition for some people at the board. There's legal protection for that. If there's any allegation that a person is not being treated fairly in a hearing or that personal views are overriding evidence, then there's a legal remedy to make an application for judicial review. I think that's the best way that I can answer that question.

Mr Gravelle: I appreciate that, and in some ways that's certainly reassuring, because it seems to me that certainly people that come forward and are in this position where they are asking for an appeal are, generally speaking and I don't think it's wrong to say, probably in a somewhat vulnerable position themselves and are certainly potentially intimidated by the process. I would think there are probably some people who don't go forward because they are intimidated by the process. It seems to me that it's important that certainly there is a degree of sensitivity that's conveyed by the member of the board they're dealing with so they can at least be in a position where they can put forward their case.

Ms Adams: We train board members, in this five-week training program, about that very issue. We sit them with more experienced members initially so they can learn how to conduct hearings. Some of these hearings are difficult: They're hotly disputed, there's anger and tension, because they revolve around the basic necessities of life. We train members to do that. We also have a process where, if there is a concern about a particular conduct in a hearing, a person from either side can write in to the chair and raise that issue. But I think the most important thing to say is that we train people, to the degree that we can, to be impartial. If they're not, if that doesn't happen in a hearing, if there are any questions, the parties then can take a legal remedy on that.

The Vice-Chair: Thank you, Mr Gravelle. We'll move on to the New Democrat caucus and Ms Churley.

Ms Churley: Thank you, Mr Chair. I want that in the record. Ms Adams, I think I speak on behalf of all of us to thank you and your staff for coming down today and providing us with a lot of information. I think there's a lot that all of us, including Mr Wood, have to learn about how SARC operates. I'm certainly not going to put you on the spot today and ask you questions about your agreement or disagreement about the direction this government is going. You of course have your job to do. I sense from your answers to the questions today and your presentation that you're doing your utmost to comply with the changes this government has put in place in the most sensitive way possible, and I appreciate that.

I personally, of course not surprisingly, have some difficulties with some of the directions because I believe, for example, the spouse-in-the-house rule could end up causing in fact more appeals and in a strange, twisted way more people on the welfare rolls. But I'm not going to ask you to comment on that. You have to deal with the system as it exists.

1150

I would like to come back to the cost of SARC per appeal case really. If you look at table 1, under C, and tell me if I'm approximately right here, on the financial report from 1994-95 you've got approximately a $5-million budget, and then on table 1 you have approximately 12,000 cases. My calculations are that that works out to approximately $420 per case. Is that correct?

Ms Adams: That's right. There are different ways of costing out.

Ms Churley: Yes. This is a very simplistic way.

Ms Adams: When we've been asked to cost this out with this minister and other ministers, we've talked about the fact that you can't just do it on hearings that proceed. You've got 12,000 appeals. They come in, you have to process them, set them up for hearings and so on. So, we actually base our projection on the cost of processing an appeal, and it's actually $425.

Ms Churley: I was pretty close then, $420.

Ms Adams: That's for 1995-96.

Ms Churley: I believe that the member of the government side mentioned something—and correct me if I'm wrong—that it was $1,000 per case.

Mr Bob Wood: Per decision.

Ms Churley: Per decision.

Mr Bob Wood: As confirmed by them, it's $1,000 per decision.

Ms Churley: It is a bit complicated to work out, but approximately $420 a case.

Now what I'd like to come back to, and I was going to ask before Mr Wood spoke again, a question of, it's very clear from what Mr Wood is saying that SARB is on the chopping block. I think that all roads lead to that, for the time being anyway. I was going to ask you, after CAP disappears and SARB is no longer required by law, if it is thrown out, if SARB disappears, what would you suggest as a minimum needs to be in place to provide a fair appeal system to welfare recipients?

Now, after I composed that question in my head, Mr Wood came back on the floor and said, "What do you think about people being sent to Small Claims Court?" I have to say, Mr Wood, I am not a lawyer, but as the ex-Minister of Consumer and Commercial Relations I dealt with a lot of people who were advised at times to go to Small Claims Court for minor consumer problems, and I can tell you that this is not a good idea. I was surprised that this was even brought up as a possible solution to replacing SARB, because, number one, it costs money to even get your foot in the door of a Small Claims Court, and I would take it that most people appearing before the board are destitute already and have no money. So right

away that shuts them out, the majority of people, from having any possibility to appeal their case anyway.

But number two, I don't know if Mr Wood has been reading the newspapers himself or talking to Mr Harnick, because Mr Harnick has been making it clear lately that he's looking at more mediation and more tribunals to try to cut down on the number of court cases, because of course we all know—and I don't have the costs in front of me—that court is perhaps the most expensive means for justice in our system.

So that's why I brought up the costs of your tribunal cases compared to the court cases. So, I wanted to put that on the record because I just find it really appalling that the member who's looking into ABCs would even have a thought that this would be a solution to such a complex problem, to throw it all in the Small Claims Court. I mean, it's ridiculous. It's an absolutely ridiculous suggestion.

However, now that I've made my statement, I would like to come back to you, and after assuring people, from my knowledge, that Small Claims Court is not an option, what would you say, given the circumstances of people, is the minimum that is needed, what kind of system, or do you have any suggestions on that?

Ms Adams: I guess when I was talking earlier about what has happened in Britain and what has happened across the country is that even with downsizing, the delivery of social services and the tribunal were considered to be a core service of government. So I would say that there needs to be a requirement that there be an independent review by people independent of the ministry, independent of the parties. So while there could be an internal review, if an internal review system was developed, it could assist the tribunal because not all of the appeals would come before the tribunal, but there must be an independent review not conducted by the ministry.

But I must say that there's been no indication that that would not continue. The format might change, there may be reductions, but there's been no—now, Mr Wood is starting his work, so he may know more than I know, but all that I can say is that in discussions with our ministry and our minister, there has been no indication that the tribunal would disappear but that it would be significantly reduced and downsized. We've looked at the tribunal, about what that would mean with certain types of budget cuts, to our performance, and we've tried to be ready for that. That was one of the reasons we looked at how to deal with the volume and clear the backlog, because in the event that the tribunal's resources would be restricted, we would still be able to hopefully meet our mandate. But I would say that there must be an outside appeal system.

I would also say, just following up what you're saying about whether you just remove it to another body, that there's a huge administrative cost here that just doesn't disappear. When the 12,000 appeals come in, wherever they come in, they have to be managed by someone, and the main expense of the board is the staff's salaries and the board members' salaries, and it's related to processing those appeals, and I think if you look at this tribunal compared to many others, we're actually at the low end in terms of our budget and in terms of the number of appeals that we receive and in terms of the salaries of members of the board and of the staff, and so we're actually at the low end.

We compared our system to the UIC model for the purposes of this committee, and we still provide the same level of appeal for a lower cost. So there are all kinds of costs associated with the secretariat of the board that have to go somewhere.

Mr Kormos: Again, if it's a question, it will probably be interpreted as rhetorical, so I'll identify it right off the bat as being far less of a question than a comment, and that is that obviously the existence of SARB, along with a whole lot of other administrative-style tribunals, dates back prior even to CAP. Any attack on them would be a failure to recognize, for instance, the important work that Justice McRuer did here in the province of Ontario many years ago when an essential element of democracy was brought to the province by his brave and insightful report. I would commend that people who are thinking about abandoning some of these principles of natural justice and relief from arbitrary decisions read the McRuer report and understand what was happening at the time and the relief that the establishment of tribunals did.

I've got to tell you, I do not envy members of the board dealing with even 6,000 adjudicated hearings, but none the less, 12,000 applications for relief from what are perceived to be unjust decisions, and recognizing the success rate of those appeals, some concurrence, some significant concurrence, on the part of the board and board members. I think it's a tremendously difficult task. I'm confident that the workload is tremendous as it is.

I do want to tell you about one of my constituents who was 48 years old during the course of last December, and she was on Family Benefits Act assistance, a disability pension. She had been suffering from mental illness since her early adult years, gone through an incredible regimen of mental health treatment—some of it, in hindsight, barbaric—but at the age of 48, having raised her own daughter and with two grandchildren, finally beginning to get control of her life, working 10 to 15 hours a week in a laundromat for minimum wage, three weeks before Christmas getting a letter from the local Community and Social Services office telling her that she was cut off from her Family Benefits Act assistance.

She was no longer, in this new Ontario, considered disabled. Weak enough, tragically—again, no abbreviation of the appeal time would have helped her, because three days after getting that letter, the weight of the despair of being evicted from an apartment in January, of the sense of injustice and outrage when you say to yourself, "I've been doing all the right things, things have started to get better, I am working 10 to 15 hours a week, and hopefully at some point in my life maybe I can do more," but the despair and the sense of injustice that flows from that—well, she abandoned her appeal, because she took her life three days after getting that letter of disentitlement in this new Ontario.

So as I say, your work is tremendously important and I do find repugnant—I think anybody would, any fair-minded person—any effort on the part of a government to corrupt an integrous tribunal like SARB, along with many others, by stacking it with political appointees

whose personal views and allegiance to this government's agenda would be such that there is a grave danger of that allegiance infecting their independence as adjudicators. I think that's a reprehensible thing and I think that any fair-minded person should feel obliged to protect this board, along with others. This board, which has made so much progress in providing independent, fair-minded, compassionate decision-making, and has found itself well within the framework of the law as reflected in the failure of the Divisional Court to express criticism, I think that sort of stacking of the tribunal with political appointees is repugnant. Thank you.

The Vice-Chair: Thank you very much. That runs us out of the time that we've set aside for review of your board. We will, as a subcommittee, be speaking about how we might come up with some kind of report from this committee. I want to say thank you for all the work that you've obviously done in preparing for today and for being here. Your being here has been quite helpful and enlightening, I'm sure, for everybody, so thank you.

Mr Bert Johnson (Perth): I have a point of order: the interviewee, I didn't get a chance to ask her a question now, but she mentioned the board salaries and the staff salaries, and in my report, I have a report of the board salaries, I saw nothing about staff salaries.

The Vice-Chair: Perhaps that's a question that you could put on paper, Mr Johnson, and submit. I'm sure that they'll be happy to give you an answer to that.

We're going to have a brief subcommittee meeting—Mr Kormos, Mr Wood, and Mr Crozier. The rest of you are expected back here at 2 o'clock this afternoon.

The committee recessed from 1203 to 1414.

INTENDED APPOINTMENTS

The Vice-Chair: We have one slight change in the order this afternoon. On your agenda it says Mr Libman for 2:30 and Mr Vice for 3 pm. Just switch that around. We'll have Mr Vice at 2:30 and Mr Libman at 3 o'clock.

ARTHUR FISH

Review of intended appointment, selected by government party: Arthur Fish, intended appointee as chair, Ontario Mental Health Foundation.

The Vice-Chair: We'll start with the interview of Mr Arthur Fish. Thanks for coming today. I believe you have an opening statement to make.

Mr Arthur Fish: I'd like to begin by thanking the committee for the opportunity to come here this afternoon and introduce myself and the mental health foundation to you. I'm told you all have copies of my résumé so I'll be brief in speaking about myself.

I'm a lawyer in private practice. I also teach law and psychiatry in the faculties of law and medicine at the University of Toronto and at Osgoode Hall Law School. I've co-written a book on mental competency assessment. I'm an associate member of the Centre for Bioethics here in the city and a member of the human subjects review committee at the University of Toronto. A fair number of my clients are people who suffer from mental disorders or family members who are trying to care for such people.

The Ontario Mental Health Foundation is overseen by a 16-member board, all of whom are unpaid volunteers, and by a salaried executive director, Dr Howard Cappell, who's in the audience today, and three staff members. I became a member of the board in 1991. I've served as vice-chair of the foundation. Anticipating the retirement of the former chair, Mrs Lai Chu, my colleagues on the board unanimously nominated me for this position.

Every year hundreds of researchers in the province apply to the foundation either for fellowship or research funding. These applications are assessed and rated by two committees of scientists, a 20-member research committee and a 15-member fellowships committee. All these people are volunteers and they collectively donate thousands of person-hours every year to the foundation's work.

Even as I speak, the 15 members of the fellowships committee are sitting in the foundation's office in the second day of their three-day review of fellowship applications for this year. The committees make the recommendations to the board, which then sets the annual budget. In most years we come nowhere close to funding all of the meritorious applications that we receive.

Mental illness inflicts awful suffering on thousands of Ontarians and their families every year, and the province spends hundreds of millions of dollars yearly on mental health care. The foundation's resources are small given the urgency and the extent of the needs in this area, but even so we've managed in the past to support the careers of researchers who have made significant contributions on the world stage to the understanding and treatment of mental illness and who have raised clinical standards and education in the province. We've also overseen research projects that have been of immediate interest and use to government.

The foundation's aim is to assure Ontarians that they will have the benefit of a thriving research community whose members bring their collective knowledge and energy to bear on understanding mental illness and so ultimately on bringing hope and relief to those who suffer from it. Thank you. I look forward to receiving the committee's questions.

Mr Dan Newman (Scarborough Centre): Mr Fish, welcome to the committee. What are some of the particular goals that you have in mind should you be successful in becoming chair?

Mr Fish: To be successful in becoming chair?

Mr Newman: Yes. What are some of the goals, if you're successful in taking over as chair of the foundation?

Mr Fish: Over the past few years the foundation has gone through an arduous process of self-examination as a result of which it set some directions for myself and for the foundation. My primary goal at this point is to move the foundation forward towards the realization of those objectives. Briefly, they fall under three headings.

The first is, we're looking to do more with what we've got by combining our resources with other agencies and individuals in the province. For example, we have a cap of $60,000 maximum on research grants. When you're looking at research on the cutting edge of neurobiology, it's just not enough to get something done. By combining our resources with those of the Ontario Friends of Schizophrenics, we've been able to offer grants to a

maximum of $100,000, which is enough money to drive research forward in that area. That's a model for the kind of relationship that we're looking to establish with other groups and agencies throughout the province.

We've also established a priority of ensuring that there's an adequate base of researchers in the province working on issues of mental health service delivery to assist the government as it moves forward with mental health reform, and the final area of particular interest is doing a better job of disseminating the results of our research and research done elsewhere to people in the field who might benefit from it.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): How did you first get involved and interested in the foundation? I mean you're a lawyer; you've got to have a little explanation there of why this is of interest to you.

Mr Fish: Much of my practice centres around issues related to mental illness or mental incapacity, and that actually started long before I was appointed to the board of the foundation. I believe my name was brought forward by a person who was then a member of the board, and my name was put forward for two reasons. One, it's advantageous: the foundation has always tried to have a few lawyers on the board simply because you get free legal services that way. Also, I guess it was thought that because I was practising in the area and knew something about it, my skills and background would be a good fit with the foundation.

1420

Mr Hastings: Mr Fish, what would be your thinking about trying to expand the foundation into more private sector fund-raising involvement along the lines of the Ford or Rockefeller foundations? After all, it's called a foundation, and when people see the name they probably wouldn't think that it's getting taxpayers' moneys per se in its financing.

Mr Fish: When I say that we're reaching out to other agencies in the community, that's exactly what we hope to achieve over time. In the present economic climate it didn't make a whole lot of sense for us to go out and start running an independent campaign, looking for donations on the model, let's say, of the Heart and Stroke Foundation. It costs a lot of money to do and it takes a long time to generate a payback.

So we cast our minds, talked to people, talked to one another and decided that the best way we could achieve this and maximize our resources and look to other sources for funding is to position ourselves as a research agency that's available to all those in the community who have an interest in seeing research conducted, whether that's in the not-for-profit sector organizations that have an interest in seeing research done into a particular affliction or in the for-profit sector for that matter. That is how we think we can move ourselves in that direction and attract private money to us over time.

Mr Hastings: Will you be presenting specific proposals some time in the next year to advance this goal of matching up with other groups in the community? I'm especially interested in the for-profit.

Mr Fish: The foundation has moved beyond just talking about this already. The starting point was to canvass the present members of the board and to see who knows who and what kind of contacts we have to begin work with. We've also canvassed the members of our research and fellowships committee. We've compiled a list of contacts, some in the not-for-profit sector and some in the for-profit sector, and we're getting busy.

Mr Hastings: So you're hopeful that in the next year or two there might be some loot coming in from the private sector? Because in this country the foundations are sitting on big, big, big dollars and they are not getting them back into the community, except the minimal amount by federal charter.

Mr Fish: We are going to make our best effort and I believe we can be successful. As I say, we've already been successful in these kinds of partnering relationships and we're going to go for it.

Mr Hastings: I see. Thank you.

Mr Sergio: Mr Fish, good afternoon. You presently occupy the position of vice-chair?

Mr Fish: I am.

Mr Sergio: If you had to pick a particular area where you had difficulties communicating with the government of the day, what area would you improve upon?

Mr Fish: Specifically in dealing with government?

Mr Sergio: Between the foundation and the government.

Mr Fish: We've had a long history of open and, I think, warm relationships actually with the bureaucracy in particular, and the foundation has a long history of working cooperatively, especially with the Ministry of Health and the Ministry of Community and Social Services. We'll continue that.

At the request of government we entered into discussions that have resulted in a draft memorandum of understanding that's intended primarily to document the lines of communication that we've already opened up and to ensure that they remain open in that way. I think the truth is that there's not a lot of work to be done in improving on our relationship with government. The real work lies now in reaching out to the broader community.

Mr Crozier: Mr Fish, thank you. It isn't often that we get the opportunity to have someone of your expertise and dedication before the committee. My question is more one of if you're able to comment on looking a bit into the future with the help of, I guess, what's already been done. Many of us don't understand the broad implications of mental health and what it is that can be done. Are you optimistic that there is research that will find cures for what we see now are mental health disorders that are not curable? Is there some hope for this?

Mr Fish: Well, I'm not a scientist, but I do my best to talk to them and try to educate myself about the work, the foundation's work and research that's being carried forward in the province. My colleagues in the sciences are indeed optimistic, especially with the advent of new brain imaging technologies that allow them to actually watch the brain as it goes about doing its work. We are sitting on the edge of a dramatic improvement in understanding especially the serious mental disorders: chronic depression, schizophrenia, bipolar disorder and so on. So it does appear to be a time of enormous hope. They also tell me that they expect that in the order of five to 10

years we'll begin to see new medications becoming available that represent a significant improvement over those that we currently have. That's one side, I guess.

The other thing I'm told is that when it comes to mental health service delivery, there's a huge body of knowledge that's already been amassed elsewhere. It appears that we can play a role in ensuring that there are an adequate number of people in the province tapped into that existing knowledge and aware of what's being done elsewhere and who can bring it back to Ontario so that government and agencies can take advantage of it.

Mr Crozier: So do you in a sense sit as a layperson on the foundation, albeit, I assume from your experience, an experienced and well-informed layperson, as opposed to being a scientist?

Mr Fish: I talk to people who seem to know what they're saying.

Mr Crozier: But you are involved in the decision of how this money is going to be expended.

Mr Fish: The way the foundation is structured, individual applications are reviewed and rated by committees of scientists. That's very much the way it should be. That's a structure that emerged over years. In general, the board has taken a very firm policy that it does not want to be in the position of saying, "We are going to fund this particular application or that particular application."

Professor Polanyi, that Nobel laureate in science, has recently warned us that there's a danger in going too far towards micromanagement of research. To some extent, what you have to do is let all these intelligent people who are making career choices and deciding what it's worthwhile for them to study go out there and do that and then come to the foundation and make their case.

We did, however, invite a number of experts to come and tell us—this was about a year ago I guess—if there are areas that we appear to be missing and in which we should be taking slightly more proactive steps. One of the things they identified for us was mental health services. We have taken steps to encourage people to enter that field and pursue it. It's a good example, actually, of the board setting a general policy direction based on the advice it receives from experts without actually stepping into the fray and saying, "Well, we're going to say that Mr X gets funded but not Ms Y," and so on.

Mr Crozier: Thank you. I think you're going to continue to be an asset to the board. I wish you well.

Mr Gravelle: Good afternoon, Mr Fish.

Mr Fish: Good afternoon.

Mr Gravelle: The foundation was first formed in 1962, I saw from our research, and obviously there's been 30-plus years that you've developed and received support from the government. I think we're certainly in a time now where value for money being spent by government is becoming more and more of a factor in decisions as to whether agencies continue or don't continue. In fact, there's a review going on right now, of course, of all government agencies. I think it's important probably to establish that and give you an opportunity to tell us about some of the things that actually you've been able to accomplish in a specific sense too, if you can. I noticed in 1994-95, you supported 52 research projects, there are a number of things that you did.

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I'm working from the premise that a lot of these things certainly wouldn't have happened were you not there to support them. In other words, there aren't any other avenues for these research projects to take place. I would be just curious, whatever time we have left, if you could tell me some of the things that did come forward as a result of you providing that kind of research help.

Mr Fish: Thanks for giving me the opportunity to blow our horn a bit.

Mr Gravelle: Please.

Mr Fish: Let me answer the question in a general sense first. We don't have an enormous amount of money, especially compared to the really big granting agencies in the area. We've been able to ensure that the province has people working in all the areas of importance, so that as developments take place on the world stage, they can bring them home. We've developed the careers of a number of people who are now world leaders in their field and who continue to practise here in the province of Ontario, for example, Dr Paul Garfinkel, who is the chair of the department of psychiatry at the University of Toronto and the director of the Clarke Institute, and others as well.

The big thing that we brought to the province is people—good people, knowledgeable people—who are here to conduct research, but also to bring research to bear on clinical practice. So I think our work indirectly has had an enormous effect in benefiting people who suffer from mental disorder in that way.

Then there are a number of projects we've undertaken over the years that have been of immediate use to government, one of which is the mental health supplement to the Ontario Health Survey, which I'm told is the largest epidemiological survey of mental health issues ever conducted anywhere. Although much of the funding for that came from the Ministry of Health, we topped the funding up. I believe it's fair to say that it was the foundation's initiative that got the supplement under way and completed, and without us it would not have happened and certainly wouldn't have seen the light of day.

What it's now given us, I'm told, is a very powerful tool to assist the district health councils and so on as they plan to meet the needs of different parts of the province. The fruits of the supplement have been made fairly widely available by the ministry, I understand, and we've undertaken a program that we hope will encourage researchers to continue to take advantage of the data that we've amassed.

We've also conducted other research programs into investigating various aspects of the care of people with developmental disorders in the community, for example, for the efficacy of medications for treating Alzheimer disease, and those were projects undertaken directly at the request of government.

At the moment, we're engaged in negotiations with a number of agencies, hoping to pool our resources and establish something like a mental health policy investigations unit, an agency to which government could turn without having to throw more money at the problem, and say: "We need to understand something better. Can you

help us sort out how we do that in the best, most cost-effective way?"

Mr Kormos: I come from a part of the province, Niagara region, which is well documented as being grossly underresourced, especially when it comes to mental health treatment, services and programs for adolescents, notwithstanding that it's very much part of the Golden Horseshoe and by no means a remote part of the province. So I understand very much what you're saying today in response to some of the questions from my colleagues, but I am hard-pressed to accept a philosophy—and I'm not suggesting you have it or have expressed it—that dictates that we should fund things as important to people and indeed to our province, to our economy, what have you, as health care, mental health care included, by way of bake sales or selling raffle tickets.

I firmly believe the public in this province expects to see programs for health care, including mental health programs, adequately funded and fairly funded, and expects and can tolerate it being funded out of tax dollars. You made reference to the fact that so-called fund-raising can oftentimes be a very expensive process, and we've seen many illustrations of how little of the dollar collected ends up financing the programs it was intended to as compared to funding the cost of the fund-raising.

Having said that, just because I wanted to make it clear that I obviously disagree with my Conservative colleagues in the matter of what constitutes adequate funding, and in the matter of trivializing health care to the point of, as I say—and I appreciate it's hyperbole, but none the less not inappropriate to draw up imagery of, as I say, bake sales and lemonade stands and raffle tickets. That's a wacky way to invest in health care.

I have no idea why you're here, because you're obviously thoroughly qualified. You were referred into the appointments process by the chair of the foundation itself, the retiring chair. You've been there for five years, give or take. You're as qualified as anybody. You were chosen to come here by the government and it's because we sort of go round robin in terms of selecting potential appointees to come here. We of course are interested in screening out the dogs that occasionally come barking in here, the Tory hack appointments. They're interested in creating as much positive spin as they can. They would have that with you but for the fact that you're obviously not a Tory hack appointment. You're somebody who was referred by the chair of the foundation. I don't know why you were called upon and why your time was wasted by virtue of coming here. There are a whole lot of folks out there that the government's proposing for positions who have to be scrutinized. You're not one of them. So thanks for dropping by this afternoon. We don't want to be partisan or anything.

The Vice-Chair: You have 30 seconds, Mr Wood, if you wanted to rebut Mr Kormos.

Mr Bob Wood: After that statesmanlike comment, we'll waive our time.

The Vice-Chair: Thank you, Mr Fish, for taking time out of what I'm sure is a busy schedule. We've appreciated your participation and it's been helpful.

PETER VICE

Review of intended appointment, selected by third party: Peter Vice, intended appointee as member, Regional Municipality of Ottawa-Carleton Police Services Board.

The Vice-Chair: Next up is Mr Peter Vice. I believe you have an opening statement to make.

Mr Peter Vice: Good afternoon, Mr Chairman and members of the committee. I was born and raised in small-town Ontario. I don't see any eastern Ontario members here, but it was the town of Renfrew I was born and raised in. I attended elementary and high school there; took off to Ottawa, attended St Pat's college and Ottawa U law school.

I commenced my legal practice with the city of Ottawa legal department, and it was at that time that I first really came in contact with police forces in Ontario. During those periods, the legal departments of the various municipalities used the police as their investigative services on bylaws. So I worked fairly well day in and day out with the Ottawa police department in the first four or five years of my practice. After leaving the city of Ottawa, I entered private practice with a firm, and have since then, 1976 actually, taken off and my partner and I formed a small law firm within the city of Ottawa.

I was appointed a part-time crown attorney in 1976, and during that time period I worked extensively with all police forces in the Ottawa area and with the Ontario Provincial Police actually in areas outside of Ottawa when I was called on to do special prosecutions.

In 1984 I was appointed to, as it was known then, the City of Ottawa Police Commission. I served on that commission for a period of three years and I was on numerous committees at that time including acting on the negotiating committee on two different occasions.

From a community point of view, I've served in the past as a member of the board of trustees of the Ottawa Civic Hospital, the advisory board of the CNIB, as trustee and president of the Carleton County Law Association, as a fund-raiser for the YMCA, the Canadian Cancer Society and numerous other charitable organizations within the Ottawa area. I teach the community planning course at the University of Ottawa law school and I've taught in the past at Algonquin College and Carleton University.

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How do I believe that I can be of some help on the Ottawa-Carleton Police Services Board? First of all, I've had a great deal of experience in dealing with police in the past. I have either acted for, or acted in, every municipality within the RMOC. If you haven't heard, you will know that we have recently amalgamated all our police services within RMOC. I think I've travelled to every nook and cranny within the RMOC, so certainly I know the area very well.

I think with my background in interpreting legislation, regulations and policy, I can also be of very, very great help after receiving this appointment, which of course has to be approved by this committee. I have met with both the police chief and the association president, Mr John Petersen, and discussed with them some of the pressing matters that they both think have to be dealt with.

Surprisingly enough they were pretty close; they weren't all that far apart at this particular time. Thank you very much, Mr Chairman.

Mr Crozier: Good afternoon, sir. My concern it seems usually lies in the area of finance. So I would ask you, in view of the fact that we all understand we are under financial constraints and our objectives may have changed over the past period of years, do you see any particular difficulty with the police services and providing those services within the financial situation we find ourselves in today?

Mr Vice: Oh, I definitely think there's going to be in any form of government, just like in the private sector. I run a small law firm and I'll tell you, we've all had to tighten our belts and follow our budgets. There are going to be some problems. Salaries have escalated. People are looking for more and more services. We're now into what they describe as community policing, whatever that means in different people's minds. But certainly we're going to have to be very careful with the money we spend. We don't have the money to spend on policing, just like anything else. But at the same time, it's so important that I hope all parties will fund as much as they possibly can.

But at the same time, I'm well aware of the problems. I have taken a quick look at the 1996 budget for the RMOC. I think they're about the same as 1995, maybe $500,000 more that they're going to spend. That's going to be a problem and that's going to be difficult for us, but it's one of the things that we have to deal with and stay within the budgets.

Mr Crozier: What area of law would you say you practise the most now? What's the greater percentage?

Mr Vice: Administrative law with a strong preference for the planning end of municipal. We act for a lot of municipalities and some developers, some community groups. But 50% of my clients would be municipalities probably.

Mr Crozier: In my former life, when I was an elected municipal official, I sat on the police services board as mayor and almost felt as though I was—and I guess I was—the elected town representative on that board. Although I can't recall that we had any difficulty, I can see that it could be, where we might not agree with town council as to the budget that the police services board should have, in which case there would be attempts to negotiate that and, if all else failed, why then it would go to the Ontario civilian commission, I believe, or a term similar to that. In essence, the decision on funding for policing would be decided outside the community. Can you comment on that system of arriving at the final budget figure?

Mr Vice: I suppose that somebody has to be the ultimate arbiter, and in this case the legislation says—and I still refer to them as the old Ontario Police Commission. They have always fulfilled that function. Thank goodness in the Ottawa area generally the police services board and the RMOC have been able to get together and agree on the funding, but there has to be someone who has to make that decision. You refer a lot of the funding problems when somebody can't get along to the OMB or somebody else; in this case it's the Ontario police services board. There has to be somebody if you can't do it.

Now, if you're asking, should it be somebody else or should the municipal council make that decision—

Mr Crozier: That would have been my next question, yes. Perhaps someone with elected accountability should, in the final analysis, make that decision.

Mr Vice: I suppose that gets back to the age-old argument that I have heard, which is, should you have more local reps on your police services board than provincial reps? It probably amounts to the same thing. I suppose I am one who thinks that policing should be the same all over Ontario. I'll be as frank as I can: When it comes to dealing with local reps, especially in urban municipalities, I'm always concerned as to the tradeoffs that are made, one councillor with another. Now, I'm more used to the urban area, where you don't have six councillors or three councillors serving overall. But in the urban area it's no secret that votes are traded off, and I don't think that votes should be traded off; you know, "I'll put a police station here today for you if you'll put it someplace tomorrow." I'm firmly of the view that the control should stay with the Ontario Solicitor General's department.

Mr Sergio: Mr Vice, you are a long-time resident of the Ottawa area.

Mr Vice: Correct.

Mr Sergio: Are you familiar with any problem with respect to drugs or other crimes in the area?

Mr Vice: I don't think there's any doubt that we have our share, just like everybody else. Probably, being closer to the Quebec border, we may have a little more. I think we pride ourselves in sometimes saying we don't have as many problems as Toronto, but indeed there are drug problems in Ottawa. Of course, the feds generally take care of that, or we hope they do.

Mr Sergio: Who takes care of that?

Mr Vice: The federal government and the RCMP are really in charge of most drug investigations.

Mr Sergio: I see. So you wouldn't support any community-based programs to assist or eliminate drugs in the particular Ottawa area?

Mr Vice: I think we already have them. when I say the RCMP is in charge, the RCMP is the lead agency. They do work, of course, with the other police services. I can tell you that there are numerous programs within our area that the Ottawa police department supports. Going back to Mr Crozier's question though, it's going to become a matter of priorities. But certainly, drugs we have to control.

Mr Sergio: If funding were to be a severe problem, would you suggest to the board to resort to a user fee to raise funds or would you cut some community-based programs?

Mr Vice: I haven't really given a lot of thought to that. Just to give you an example—and I don't want to get off too far—in Ottawa the fire chief has just come forward with some user fees whereby he will present some programs for all of Ontario. I really don't think police services should be provided on a user fee basis. Having said that, I think somebody who has their alarm

go off in their house seven times in a month should start to pay for it. But I don't think that—

Mr Sergio: I know you're looking at the other side.

Mr Vice: I don't think that controlling crime should be on a user fee basis. I think everybody should have a right to police service.

Mr Gravelle: Good afternoon, Mr Vice. You mentioned community policing in your opening discussion and talked to the effect that there are different definitions of community policing. As I understand it in terms of where I come from, which is Thunder Bay, it's viewed in a very positive way, as being an opportunity to get on the ground and basically have the community connect more directly with the police officers in the community, and that can solve a lot of the problems. I'm curious as to your point of view on community policing or what your understanding of it is in that, as you say, different definitions abound.

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Mr Vice: My understanding of community policing is that it's making police officers available as much as you possibly can for education purposes within the community, maybe at the community centres, certainly in the schools. My wife happens to be a school teacher and she says they have great support from the regional police service with regard to a police officer going in a day a week or whatever.

I don't necessarily think that community policing is as it has been established in some parts of Ottawa where you have two people sitting in a police station dispensing information. I like to equate it to the old days when I was growing up in Renfrew, when the community policing was the police officer walking on the beat, the guy who got to know the kids—probably got to know all the bad kids and the criminals too. I think community policing is really an education type of thing, as best you can. I'm not saying there's anything wrong, if you have the resources, as to setting up within a community centre in a particular area, but resources are going to be important, to get back to Mr Crozier's question. I don't think we can open a police station on every corner.

Mr Gravelle: Community policing in Thunder Bay terms—

The Vice-Chair: Time is up. You've asked your limit of questions.

Mr Vice: I'd be glad to talk to you after, Mr Gravelle.

Mr Kormos: Mr Gravelle can finish his sentence on my time, but do it fast, Mr Gravelle.

Mr Gravelle: I just want to say that certainly the cop on the beat and walking the street, they're moving in that direction in Thunder Bay. You're so right, resources are still a very big factor, but I think people seem to want that and maybe in a setting like Thunder Bay it works.

Thank you very much. You're very kind.

Mr Kormos: That's just the kind of guy I am.

Mr Vice: I live in an area of Ottawa called the Glebe. We have an officer who does walk the streets. Unfortunately, I was just broken into. He called me; he wanted to come over and show me things that could be done. He said: "I'm going too much north-south. I should be going more east-west." But I think probably we need, not only in our area—but it would help to have maybe a second officer in there. In certain areas where you have people of different ethnic groups, maybe there should be one from that group too to go in and work with the people.

Mr Kormos: It's often been said that the definition of a redneck is a liberal whose home was broken into the night before.

Mr Vice: It was three weeks ago.

Mr Kormos: Fair enough. The sting is still there.

The issue of drugs and drug trafficking, drug use was raised. I come from down in Niagara and I don't think it's any different there than it is in Ottawa, Toronto, virtually every other part of the province. My sense as well is that a large number of property crimes and crimes of violence can be related to illicit drug use and illicit drug trafficking. So we're talking about a package there.

You've been a crown; I don't know whether you've done criminal defense work.

Mr Vice: I've done a little criminal defence work, but more on the crown side.

Mr Kormos: Fair enough, but you've been in the courts and you know darn well that, especially when dealing with drug trafficking and conspiracy charges, developing a case on a conspiracy prosecution, it's very labour-intensive. There's a lot of surveillance, both physical surveillance and perhaps undercover work and wiretap surveillance, and that as often as not, when there's an acquittal, it's because the police were hamstrung in terms of the amount of person-hours made available to them for a given investigation.

How then do you evaluate what is the cutoff point? This makes reference to some of the questions already put to you: How do you put a price on that type of policing when you consider the incredible social and human cost that flows from that sort of crime? How can we say we can't afford to fight illicit drug trafficking and drug use?

Mr Vice: I think you put it very well. You take that vis-à-vis health care, though—and that's your job as legislators. I would like to have, as a member of the Ottawa police services board, as much money as I could possibly have. I couldn't agree more. I've prosecuted some drug cases in conjunction with the federal crown, and because you didn't have that extra guy there to hear the statement that was taken or whatever.

If the resources are there, sure we'd love to have them; I also agree with you that one of the great problems comes out of drug dealing and the kids who are using the drugs are stealing to buy them etc. So I couldn't agree more, but that has to be a decision of the Legislature as to how much money you're going to give us. I can assure you—and I know Peter Clark, the regional chair, extremely well—that he'll take as much money as you're able to give us for the Ottawa police services.

Mr Kormos: This is an important role of police services board members. I know you've had previous experience on the old commission and I respect your comments about the need to have Solicitor General-appointed people there, because then you avoid an inherent conflict of interest that a regional councillor has also serving on the police board. A regional councillor may be in a more difficult position to advocate for the police services when she or he is also on regional council

and have to justify to their voting constituents why they propose, for instance, a tax increase or an increased mill rate to pay for police services.

But as a member of a police services board, is your job to advocate for an effective police service or is your job to help this government trim back policing?

Mr Vice: I think it's a combination of both. I don't think anybody who wants to serve on a police services board is at all advocating cutting back policing. I hope there isn't anybody. But you have to, once again, work within the dollars that are there. I would hope nobody who appears before you advocates indeed to cut back police services today. I'd be shocked. Certainly it is our job to make sure, once again within reason, that there are enough dollars to go around to do things properly.

Mr Kormos: You're no longer a crown attorney?

Mr Vice: No, no I'm not.

Mr Kormos: So there's no concern about conflict of interest as there might be certainly if you were a crown attorney.

Mr Vice: No. I actually resigned when I was appointed to the Ottawa police commission in 1984 because of that possible conflict.

Mr Kormos: There was a hiatus there in your service on the commission, from the termination of your appointment in 1984 until the present.

Mr Vice: I was appointed in 1984 and I sat until 1986. Then I haven't served on a police services board or a police commission since 1986.

Mr Kormos: On your part, was there a reason for not seeking a similar appointment after 1986?

Mr Vice: The practice got busier, we were in those late 1980s and I didn't seek to be reappointed.

Mr Kormos: Fair enough. Now you undoubtedly know that four women, members of the Ottawa-Carleton Police Services Board, were fired, if you will. Their terms, I'm told, expire in March 1997. Can you believe that, Chair—March 1997? They were fired by this government. Of course you've also read, I'm sure, that they are in the process of initiating litigation against I suppose as many people as they can find.

Mr Vice: That's what you always do as a good lawyer, Mr Kormos. You add anybody you can at the end of the writ.

Mr Kormos: The deeper the pockets, the better, which, as you point out, is the norm.

Do you have concerns about being appointed to the board and then being called upon to remove yourself, should these litigants be successful in for instance obtaining an order that they be reinstated to the board as compared to merely collecting damages?

Mr Vice: No, not at all. I think that somebody else makes the decision as to who is to be appointed; I suppose who is to be hired and fired. If they were to be reinstated by the courts—I understand Marion Dewar has an application. In fact, I chatted with her lawyer last Thursday evening, before the courts.

I think that's part of being appointed to anything. You roll with the punches. If she happened to be reinstated, then I suppose we'd have to be fired.

Mr Kormos: Then there might be more litigation.

Mr Vice: No, not likely. I can assure you that if I was fired I wouldn't be litigating.

Mr Kormos: What about police forces and their representation of the community? Of course, I'm speaking to issues: You know that the Employment Equity Act and the equity provisions of the Police Services Act, which pre-date the Employment Equity Act, were unceremoniously repealed recently, in short order.

Mr Vice: Yes, I understand that they were repealed. It's certainly my view that as much as possible the police force should reflect the population—females, aboriginals—but at the same time I do not advocate quotas in any way, or I do not advocate not appointing the best person to the job; I have enough faith that there are enough good females out there—in our law firm and there are five of us; we have two females—enough people from the minorities that they will make their way. But I still want the best person appointed to the job.

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Mr Kormos: Fair enough. As a member of the police services board, in view of your clearly expressed view that the police services, the police force, should reflect the makeup of the community, how would you then achieve that goal?

Mr Vice: You may want to look at some policies in that regard, but at the same time I am not really sure as to how you would. I must be quite frank, I haven't really given a lot of thought as to how maybe you should implement it.

Mr Kormos: Do you know what the makeup is now of the Ottawa-Carleton Police Services in terms of gender or minority representation?

Mr Vice: In speaking to the chief, I think there were about 8% to 10% female, there were about 4% aboriginal and maybe about 10% total from the other minority groups. That's recollection, because I did put that question to the chief when I met with him.

Mr Kormos: I trust you were familiar with the provisions of the Police Services Act for equity goals in police forces, police services.

Mr Vice: Yes, I was aware of them and I was aware, in speaking to the chair of the police union, that he was very concerned about all the paperwork that his officers were doing in order to meet the process that had been set up under the police services board prior to that.

Mr Kormos: With respect to the equity provisions?

Mr Vice: Yes, the reports that had to be completed, things of that nature.

Mr Kormos: In terms of hiring?

Mr Vice: Yes, in terms of hiring and I suppose in not hiring. You had to file reports on a monthly basis, if I remember right, as to how you were meeting the terms or the provisions of that legislation. The chief and the head of the police association both had concerns about the amount of time that was taking. They both mentioned that to me.

Mr Kormos: I hear what you're saying, but that's the first time I've heard that from a police association. Of course, you're not involved in hiring, but I appreciate what you're saying.

Mr Hastings: If I'm a resident of Bells Corners or Richmond, let's say, both neighbourhoods have had a lot of break-ins, vandalism or what have you, the residents of those communities are very upset, and your police

commission and police services board are probably in downtown Ottawa, what's your thinking with respect to outreach into the community? I don't want to go downtown to meet with you guys and gals; I want you folks to come and talk to us at Bells Corners or Richmond or one of those areas. One of the biggest problems of regional police forces is the seemingly inadequate policing available in the rural areas or the suburban builtup areas. I'm wondering, would you as a police commission or a police services board try to get out and meet with those folks if they made such a request rather than them trotting themselves downtown to the city of Ottawa?

Mr Vice: By all means, Mr Hastings. In fact, in fairness to the present police services board, they have set up a meeting process whereby they do go out at different times. In speaking to the chief and to some of the present members of the police services board, or one of them at least, I am a little concerned that when you go out into those areas, you bring your whole meeting out there. In bringing your whole meeting out there, you're bringing a number of officers on matters that those people really aren't concerned about. So I think we should be going out, as members of the board, but I don't think we have to bring eight inspectors and three staff inspectors. I'm not trying to get re-elected. I want to hear what the people have to say. I don't think we have to talk about finances out there, unless they specifically request it, but I'm very concerned about what's been happening in the past with having the whole meeting out there. I don't think that's fair, but I think we have a responsibility to be out there.

Mr Hastings: Excellent. You were a former crown attorney at one time?

Mr Vice: Part-time.

Mr Hastings: You were involved in the law for a long time. Have you got any specific suggestions on how we can have our police officers more out in the field rather than filling out the increasing amount of documentation they seem to have to go through in practically everything? Granted, a lot of it's required, but I'm wondering if we've gone too much in the other direction.

Mr Vice: I have heard—and just heard—that maybe within Ottawa-Carleton our computer system isn't what it should be in giving the officers the ability to not have to sit and do those bureaucratic things. It bothers me when I do go down to the police station and you have a uniformed officer greeting people at the front door. I think the uniformed officers should be out on the street. You might want to call them special constables. One problem we have, though, on those matters is that there are contracts, collective agreements that have been struck and we have to live with those at least for the time being.

Mr Newman: Mr Vice, what's the feeling about an amalgamation of the police force in Ottawa-Carleton with neighbouring municipalities?

Mr Vice: I guess it doesn't matter what the feeling is; it's a fait accompli. But there's no doubt, at the time of amalgamation, and I can understand why, some of the smaller communities had a great concern that they would not be policed as well as they have been in the past. I was one who was pro amalgamation; it didn't make sense to me to have one police force on one side of Base Line Road and one on the other. But I do certainly understand the fears that the smaller municipalities had.

As Mr Hastings has asked—I don't know if you know—the rural areas are presently served by the OPP under contract. So it's only the three urban areas in Ottawa that are not served by the OPP at this time. By 1999, the legislation states that we have to take over all of that policing with our own services. So that's one of the things that is facing us in the next couple of years. But I am pro regionalization and—I'll go as far—I'm pro for fire too, although I understand the smaller municipalities and their concerns.

Mr Newman: You mentioned your house was broken into about three weeks ago. Being a victim of crime, how does that influence your view of policing?

Mr Vice: Well, I've cooled down a little bit now.

Mr Newman: I've been there.

Mr Vice: My wife had that feeling of our home being violated. The things they took are the usual types of things, the TVs. Actually, it was Superbowl Sunday and I came back to watch the Superbowl. That probably bugged me as much as being broken into. I couldn't watch the ball game. They took a few keepsakes. With the jewellery, they didn't even know enough to take the good jewellery. I guess that made my wife happy, but they took grandmother's favourite ring and things like that. But I think I'm objective enough to know that it can happen to me as well as it can happen to anyone else.

Mr Newman: It's happened to me, so I know what you're talking about.

Mr Hastings: Did you have your house adequately secure?

Mr Vice: It wasn't, but it is now.

The Vice-Chair: Are there any further questions from the government caucus? If not, we'll say thank you to Mr Vice for coming today. We appreciate you taking time out of what's probably a busy schedule. Your being here has been helpful to us.

1510

PETER LIBMAN

Review of intended appointment, selected by third party: Peter Libman, intended appointee as part-time vice-chair, Workers' Compensation Appeals Tribunal.

The Vice-Chair: Next we're going to call forward Mr Libman, who has been selected by the third party as an intended appointee to the Workers' Compensation Appeals Tribunal. Mr Libman, do you have an opening statement to make?

Mr Peter Libman: Just a very brief one. Much briefer than my colleague's before.

The Vice-Chair: I just want to say welcome. Thanks for coming. Go ahead.

Mr Libman: Thank you very much. I'm also a lawyer. It seems to be lawyers' day here today. I got my law degree in 1972 at the University of Toronto. I was called to the bar in 1974. I got my undergraduate degree in 1985, so I actually reversed the order most people do it in. I got my master of law degree in 1990.

In 1986, I was appointed by the Minister of Housing to the Rent Review Advisory Committee. In 1992, I was appointed by the government to the Rent Review Hear-

ings Board. I was cross-appointed in 1994 as a rent control officer.

In the first 18 years of my legal career, I basically had a general practice, although I did a lot of family law and a lot of legal aid work. After I finished on the Rent Review Hearings Board in March of last year, I joined the law firm of Gardiner Roberts and I've been with them for the last 10 months.

Mr Kormos: I think your background and expertise put you in a good position, assuming there is a WCAT a year from now, because after all everything's on the auction block and this country, or this province, is being stripped—when you look at the concurrence of these provincial policies with some of what's happening in Ottawa, the country's being stripped—of institutions that our parents and grandparents sacrificed a lot for and worked hard for and indeed suffered to create.

In terms of the process, it's indicated to us that 70 applicants were identified by the WCAT itself; and tell me, I'm just reading the material we got here, candidates were tested using "a written exercise with a hypothetical fact situation requiring a written decision; 31-candidate short list interviewed using a standard" interview "and scored against predetermined criteria." How accurate is that?

Mr Libman: I can tell you about how I applied.

Mr Kormos: Please.

Mr Libman: In 1994, I was still a member of the Rent Review Hearings Board, but I knew my term was up in March 1995. The chairman of my board, Brian Goodman, is a member of an organization called the Circle of Chairs, which is basically the chairs of all the boards and agencies. They meet once a month, and within the circle they pass along opportunities on other boards. For the five remaining members of the hearings board, Brian advised us to apply to WCAT, together with other boards. I wrote a letter in September 1994 to the chairman of the board, Ron Ellis, and asked if I could apply for a position and then I went through the interview process, I wrote the test, and now it's February 1996 and here I am.

Mr Kormos: You were identified by the chair of your rent review board as somebody who would be qualified for and suitable for WCAT, among other things.

Mr Libman: Yes, as an experienced adjudicator.

Mr Kormos: I'm intending, of course, to support your appointment. Good luck, and healthy tenure.

Mr Bert Johnson: Good afternoon. I wanted to know, the Workers' Compensation Appeals Tribunal deals often, as I understand it, with chronic pain and chronic stress cases, and I would like to know the position of the tribunal.

Mr Libman: I just received, at the beginning of the week, a copy of the discussion paper that Minister Jackson has now put forth and he deals extensively with that issue, because apparently, from what the paper says, the WCB and WCAT took different positions on the eligibility of workers who suffered from chronic work stress-related symptoms. It appears from what he describes in the paper that the WCB has now accepted the position that WCAT has taken with regard to it being, if I could say, a predominant cause of the injury.

Of course I have to be approved by the committee, but if I'm approved by the committee, I'll be taking an extensive training course and I'll be exposed to the jurisprudence that's developed and I'll have a better handle on the area of law, but he does deal with it in his paper.

Mr Hastings: Mr Libman, instead of going before an agency as the sort of hearings officer, have you ever thought of going before, particularly WCAT, as a potential injured worker, as a customer just to see how this organization is supposed to be functioning, and if you have, what is your estimate or assessment of how it is working or how dysfunctional it really has become?

Mr Libman: In private practice, I probably represented about six clients who appeared before the predecessor to WCAT; in other words, prior to 1984. One of the reasons I was interested in applying to this board was that the board I was on, the Rent Review Hearings Board, had a reputation within the sort of boards and tribunals community as being an arm's-length, externalized, independent tribunal and WCAT also has the same reputation within our community.

Each year I would attend a conference called COBA, Conference of Boards and Agencies, in Toronto which is a conference of all members of boards and agencies across Ontario, and WCAT has an excellent history and an excellent reputation within the community for being an arm's-length, independent tribunal. That's what I'm looking forward to, should the committee approve me, to being a member of that tribunal.

Mr Hastings: Surely it doesn't have an excellent reputation when it comes to serving its customers. If you look at its backlog, if you look at the way it deals with people in terms of being an ordinary injured employee who's come to get some kind of justice and they end up—the language is all legalistic etc. How would you reform that or try to make it a little more customer friendly? I know "customer" sounds a pretty bizarre word dealing in the context of this organization from what I have personally observed.

Mr Libman: I can tell you what I did as a member of the Rent Review Hearings Board. We also sat on panels of three and also in other cases as single members. At the end of each case, I would always tell the parties a time estimate of when I was going to get their decision to them. Typically I would say, "I will have your written decision in four weeks." That basically put the pressure on me and my colleagues to deliver.

One of the practices I would like to do as a member of WCAT is to also do that so that the parties know that under normal circumstances they at least have a deadline when the decision's going to come out.

Now as far as the backlog to get to the hearings stage is concerned, as a person who's not yet been a member of the tribunal, I really can't comment on the backlog or why there is a backlog. I can only talk about my own practice as a member of a tribunal.

Mr Hastings: Okay. My final question relates to the WCB gets its moneys from the taxpayer and from the employer community. It funds WCAT, as far as I know, yet WCAT in many instances, since it set itself up as a so-called supertribunal, has issued policy decisions which

are at variance with the WCB itself and in fact has become a policy-initiating agency. I'm wondering whether that is safe ground on which a tribunal ought to be operating when the real policymaker is the board itself, even though it's supposed to be at arm's length. A strange relationship has evolved between these two organizations, especially WCAT. Any comments on that?

Mr Libman: I have to go back to my experience on the hearings board, which is very recent. The hearings board sat on appeal of decisions at the first level of rent review from people called administrators, and often the hearings board would take completely different policy approaches to cases than the rent review administrators and it was within the legislation that allowed them to do it.

I can't comment on the relationship between the WCB and WCAT because I have yet to even take the training. Of course, I have to approved by the committee. But I know that in the discussion paper there is comment on that and obviously you, as legislators, will have to deal with that when legislation is presented to the House.

Mr Hastings: I'd just like to wish Mr Libman the best. If he can create a miracle in even getting an announced time frame for a decision, that would be a major move in WCAT.

1520

Mr Fox: Basically, my question has been answered. I was particularly interested in why you were interested in getting involved with this committee and the only thing you really didn't mention is the salary part of it. Is it a high-paying job?

Mr Libman: It's part-time work and you're paid on a per diem of $450 for an entire day and then lesser amounts for a half-day or by the hour. It was estimated when we applied that we would get three to four cases a month. The arrangement I have with my law firm is, should I be successful in this appointment, I'm basically deducting the time I would spend in my law practice. I'm not coming any farther ahead; I'm probably coming worse ahead by accepting this appointment, but I really believe in the adjudicative system and I like adjudicative work.

Mr Crozier: Mr Libman, you've been very forthright and something you said interested me. You said there is a caucus of chairs, I believe you called it, of various boards, committees and agencies that meets once a month.

Mr Libman: Circle of Chairs.

Mr Crozier: One of the things they do is advise each other of vacancies that are coming up on other boards, agencies and commissions and either encourage or would encourage, I think, members whose appointments were expiring to apply to another board, agency or commission.

That's rather a closed circle. How is this fair to the general public who may not be aware of these and does it in any way—although I can see in your case where you went through a very exhaustive interview and written process. Is that fair to the general public?

Mr Libman: Again, I can only talk about what happened in my particular case. In my case, when I was appointed to the hearings board in 1992, it was actually two weeks before the proclamation of the Rent Control Act. So when I was appointed, I knew that the board was going to wind down, and in fact when I started there were about 40 members of the board and when I finished there were six, and that was over a two-and-a-half-year period.

I think the reason our chair was searching for other job opportunities for the remaining members of the board was we knew when we applied that it was a dwindling number and a board going out of existence. I don't know with regard to other boards what the practice is in terms of discussions about other openings. I know that because we knew we were appointed to a board that was winding up and had been replaced by another piece of legislation, our chairman, Brian Goodman, made concerted efforts to try to find other opportunities for us to apply to other boards. I don't know if that's a general practice or not.

Mr Crozier: It's very interesting. I'll give some thought to that. Thank you.

The Vice-Chair: Mr Sergio.

Mr Sergio: Mr Chairman, just to welcome a good North Yorker down here. It's good to see one once in a while. I have read the material and I hope he gets the appointment and I'm sure he will do well. We have no questions.

The Vice-Chair: That's it? Thank you very much. That seems to be all the questions we have, although each caucus still has some more time left. We want to thank you for coming today, for taking time out of your schedule. Your being here has been helpful. Good luck.

Having done all the interviews we had scheduled for this afternoon, we will move on to concurrence and then adoption and discussion re the subcommittee report. Does anybody want to move concurrence on Mr Fish.

Mr Kormos: I so move, Chair.

The Vice-Chair: Any discussion or debate on concurrence on Mr Fish? If not, all those in favour will raise their hands and indicate so. All those opposed? Carried.

Concurrence on Mr Vice?

Mr Gary L. Leadston (Kitchener-Wilmot): I so move.

The Vice-Chair: Mr Leadston so moves. Any discussion or debate on that issue?

All those in favour of Mr Vice's appointment? All those opposed? Carried.

Concurrence on Mr Libman?

Mr Bob Wood: I so move.

The Vice-Chair: Moved by Mr Wood. Any discussion or debate on the appointment of Mr Libman?

All those in favour, raise their hand. All those opposed? Carried. That's that.

SUBCOMMITTEE REPORT

The Vice-Chair: We'll entertain a motion of adoption of the—I'm sorry. We'll read the subcommittee report into the record.

Mr Bob Wood: I'd be satisfied to move dispensation of the reading of the report, Mr Chair.

The Vice-Chair: Can we move adoption of the report?

Mr Bob Wood: So moved.

The Vice-Chair: Any further comment on the report?

Mr Bob Wood: I will move one of the options once we get the thing adopted.

The Vice-Chair: All those in favour of the adoption of the report? All those opposed? Carried.

Mr Bob Wood: I'd like to move the adoption of option (b) in the report, Mr Chair. I might say, in speaking to this, the minister has indicated that he is prepared to spend a day with the committee in the north, and we think that's an excellent idea. We have seen the expenses that are involved in going north and we don't think we can go north more than once, but we do think it's important that when we go, we have the minister with us. The minister has indicated to me that he is prepared to spend a day with the committee in the north in May, and we are prepared to designate that day as one of our days for the review of the Ontario Northland Transportation Commission.

So we are certainly quite happy to proceed with the plan as decided earlier and we are certainly more than happy to go to the north, and we think that's very important, but we want to go with the minister and we think that's the best plan.

Mr Tony Martin (Sault Ste Marie): Mr Chair, I would like to speak in opposition to the motion that's on the table at the moment, and for these reasons. This government is moving very rapidly, to the approval of some and to the dismay and concern and frustration of others, on some issues that are very fundamental to the health and wellbeing of the citizens of the whole province, both economically, socially, healthwise, and most particularly as I consider the impact of some of the decisions that are being made on the citizens of northern Ontario and particularly, in my own instance, the citizens of Sault Ste Marie and surrounds.

Although I suspect and have noticed as I've travelled the north—and I've been around quite a bit in the last couple of months. I've been to Thunder Bay, I've been to Timmins, and I've driven back and forth through various small communities of northern Ontario as I've come back and forth to Queen's Park. I've spoken to a lot of people. They're concerned by a lot of the decisions that are being made, the impact they're having and the fact that they're happening so quickly and there's so little time to ask any questions or lay concerns on the table or to offer alternatives.

This crosses the board, but there's probably no other issue that is more fundamental to actually anything we do in the north than the question of transportation and good transportation. That in fact is why the ONTC was initiated in the first place and has evolved over the years into the organization that it is today. So anything that you do by way of negative impact on our ability to get around in the north, whether it be road or rail or—in today's world, where things move so quickly, we want to have access and we need to have access if we're going to be an important part of any economic development and growth, any advancement in the ability to keep people well, any interchange recreationwise or socialwise or from an economic perspective. We need to have sometimes immediate access, and that means that we need to have airports in place.

There are decisions being made by this government at this particular point in time that are going to have some very direct and immediate and serious impact on many of the communities that some of us live in, some of us represent, and that many of us care about in northern Ontario.

1530

So in having an opportunity in this place vis-à-vis the work that we do here to question and look seriously at how the ONTC operates and what services it provides, and in particular pieces of that, the railway and the airways, we are aware that some major decisions have been made and are beginning to play themselves out now and that there are some time lines in which we are all stuck. That creates some tremendous concern. The people in the north want to have an opportunity to speak to those issues, and they want to have an opportunity to speak in a timely fashion, not after the fact but before the fact, although there's certainly a feeling, even with the time line that we're suggesting via the motion that I will table if given an opportunity following the discussion on the present motion that's on the table, that it would still be after the fact, because decisions are already made that are going to affect air service to many small, vulnerable communities in northern Ontario.

We feel in the north that we haven't had adequate opportunity to explore the alternatives. We feel very strongly that the ONTC and the government have not taken the opportunity to explain to us in detail any impact study they may have carried out, or in fact even allowed for the time or provided the resources necessary to particularly the smaller communities to ascertain for themselves the impact these decisions are going to have on them.

So I'm asking today, with all due respect, and recognizing that the government is honouring our request to review ONTC and to have some people from the north come down here, that we go up there. Too often, decisions are made about parts of this province down here that don't reflect in the end any real understanding of the challenges that we face up there. So I'm suggesting that this committee on March 7, which is the date—we've scheduled two dates, February 21 and March 7, to deal with this issue. I'm suggesting that this committee travel to Sault Ste Marie, which is the headquarters for the air service, which is the most immediate piece of infrastructure that's going to be affected by decisions that are being made, on March 7, and that we make that decision today and get on with it.

I just can't see putting off this visit that is so important, this opportunity for the people of the north to have some input and to ask some questions and to participate in the decision-making in the way that they will be allowed to, because they will participate in this, until after the air service is closed down, until after decisions that are being made as we speak by ONTC actually come into affect. So I would urge you, across the way, to, with me, encourage those in your caucus who would want to put this off to do it sooner than later, to hear from the north and to make ourselves available to the folks in the north in a more intimate way that would be provided by us going there, and to perhaps either vote against this motion or amend it to see us going to Sault Ste Marie on March 7.

Mr Leadston: Mr Chairman, are we dealing with (a) as the motion or (b)?

The Acting Chair (Mr Bruce Crozier): Mr Wood has moved that the committee hold hearings on Ontario Northland, so we're dealing with transportation commission on February 21 and March 7 in Toronto, and travel north with the minister on a date to be determined, so we're talking about (b).

Mr Leadston: I'm supportive of the motion. I think it's quite vital, and I agree with my colleague in that too often—and I understand that I, like many of us in this room, am new to this role in political life. But I think it's absolutely vital and very important to the people in our northern communities to demonstrate the democratic process and the legislative function by this committee appearing in the north, particularly when we have a minister who is willing, in my understanding, to travel with us to the north in May, on a date to be determined.

That date isn't etched in stone; it may be moved. Obviously, subject to the minister's timetable and schedule, that date may be flexible. I'm not party to any firm time. But I do think it's essential that this committee give very strong consideration to having the hearings in the Sault or in another northern community because, as I said to one of my colleagues just a short while ago, if you really want to see Ontario, turn the map over. We tend to think of north, in southern Ontario, as north of Steeles, and north of Steeles as downtown to a northerner. I mean, that's due south.

So I do support (b), particularly, as I say, because we do have concurrence that the minister will travel with us on that day for some full and frank discussions with the citizens in our northern communities.

Mr Gravelle: It's certainly encouraging and I think we all appreciate the fact that all members of this committee agree that we should be going to northern Ontario. There's no question that we're all in agreement for it, and I appreciate my colleague's comments just now about the need to get up there. He and I had a private discussion earlier about that very same thing.

I think it is significant—and I hope this can be discussed, because we haven't had an opportunity to discuss both the options before—and please correct me if I'm wrong, but my understanding is the reason that you might be putting this motion forward is that the minister is not available until that time in terms of being able to be in Sault Ste Marie on that day. The difficulty was the minister couldn't be in Sault Ste Marie on March 7.

Mr Bob Wood: May I interrupt just to answer your question? I gather the Premier is trying to organize a week-long tour in the north, and the minister would like to do this in conjunction with that if possible. He's also indicated to me that he'll come in May even if this other event doesn't materialize. So I have from him a firm indication that he will come with us for a day in the north in May.

Mr Gravelle: That's just great. I think that's really encouraging. But in terms of what we're trying to achieve here, I think it is important, on the basis of timing, that when we discussed it earlier in committee, the idea of having our first session here in Toronto and then on March 7 one in Sault Ste Marie—it still makes a great deal of sense for us to go forward to have our meeting in Sault Ste Marie on March 7.

Again, the timing is crucial in terms of the end of March being the shutdown date for norOntair, and in that there's agreement, I would hope that you would either amend your resolution or change it so that we could be in Sault Ste Marie on the 7th. We would like to see the minister on the 7th. It appears we can't, but we certainly can see other important people, and if the minister is available in May, I'm sure we'll all look forward to seeing him in May. But in terms of the 7th, I would hope that we could still go forward and have that trip to Sault Ste Marie and have our day session there on March 7. I sense certainly an agreement that we all should be up there, and rather than hold off that and rather than have the session back down here on the 7th, I think we should be in Sault Ste Marie. As I say, I sense that there's some cooperation on your side and some understanding of what we're trying to achieve here. The minister being available in May, if that's it, whatever the trip is, I will look forward to seeing up him there at that time, but I would hope you would amend the resolution so we could be in Sault Ste Marie on March 7.

Mr Bob Wood: I'll respond to that later.

Mr Preston: I think you're correct. I don't think there's anybody who disagrees with a meeting in the north. The timing is the only thing that we're discussing now. I don't believe there's anybody against it.

1540

Mr Bob Wood: Okay, everybody suggests we should meet with them.

Mr Preston: I'm starting to look at costs now. The general idea was, to begin with, and I believe the idea first came from Mr Kormos, that this could all be done for about 10 grand. Is that not correct?

Mr Bob Wood: That was his estimate.

Mr Preston: Yes, that was just an estimate, but that sounds reasonable.

Mr Martin: The estimate's about $14,000.

Mr Preston: It's gone up to $14,000 if we go twice?

Mr Martin: Once.

Mr Preston: If we go once it's $14,000, if we go twice it's $28,000.

Mr Martin: That's not the price here. We're still only talking once. We don't want to go twice.

Mr Preston: The suggestion was made after yours that we go once and then go up with the minister once.

Interjection.

Mr Preston: Why don't you hire a plane and send them up? Sixty thousand students and they can only get 125 to protest. Shocking.

I'm starting to be concerned about the cost, though. If the minister can't go on the 7th, you're suggesting that we go up anyway, or somebody goes up, and you're also suggesting the minister should be there, which would mean another trip at his—

Mr Martin: Apparently he's going up in May anyway, because he and the Premier—

Mr Preston: That part is not etched in stone. That's trying to be set up. But for our purposes, if he was coming up in May anyway, would this committee go with him? I think it's a matter of timing. I don't know what

you want to do about that, Bob. I'm not on the subcommittee, so these aren't my proposals put forward. Number one, we all agree we should go north, so there's no argument about that. We're only concerned with timing, and being concerned with timing, a whole bunch of us have a meeting at 4 o'clock.

Ms Shelley Martel (Sudbury East): Let me make a couple of comments, because timing is critical, especially with respect to this issue. Let me say I'm pleased that the committee is prepared to travel to the north. I did find in the time that I was Minister of Northern Development it was very important to be in small communities where people work and live, so that you saw at first hand what their problems were, so that you had a better understanding of what their needs were and so that you could better respond to them. I'm very pleased that the question of going to the north and meeting in a community and hearing deputations from northerners is not the issue.

Secondly, I would be very pleased to see this committee travel with the minister. It would be even better if the minister would make himself available in northern Ontario because he is very scarce in northern Ontario these days, especially when there are some major cuts being made to services, particularly important transportation services, by this same minister.

In fact, if the minister could go and attend and hear deputations about norOntair and about other aspects of ONTC in northern Ontario, we'd be very pleased. The last time we heard from him on this issue was December 18 and we haven't heard from him since with respect to what he's going to do to try and make sure those communities that are going to lose their air service are going to have something after March 29 when norOntair ceases to exist.

The issue of timing is the critical issue. I understand the minister was asked to make himself available in Sault Ste Marie on March 7, and he is on holidays. I find that convenient. However, let me suggest to you that the minister would probably be available on February 21, because I know on February 22, the very next day, he is going to be in Sudbury at the head office of the Ministry of Northern Development and Mines.

He is going to be there. He is supposed to be meeting with a number of the northern mayors and reeves of the 17 communities that are directly affected by the decision to cancel norOntair service. This is a meeting that those representatives asked for at the end of November. It has taken some long time to schedule, but it has been scheduled and he will actually be in northern Ontario on that day.

I would like the committee to be in the north. I suggest the committee could look at being in the north with the minister, in Sault Ste Marie, on February 21. It seems to me that if we're really serious about having the minister there, if the minister himself is serious about having some public input before he continues with a decision that is going to devastate a number of northern communities, then he would do his utmost to try to accommodate this committee and try to accommodate northern communities that are worried about this issue and make himself available to deal with this matter in the Sault a day before he is scheduled to be in Sudbury.

I would encourage this committee to either withdraw or amend section (b), ask the minister's staff if he can make himself available to be in the north, in the Sault, on February 21, and that way we could accomplish a number of goals. You will still have your meeting in northern Ontario, you will still have the minister there and you would have a chance to hear from people about the most negative impact this is going to have on their community before the last flight of norOntair actually occurs, which is on March 29.

Mr Hastings: I appreciate the member for Sault Ste Marie's comments about going and finding out what's occurring and impacts and all that. Three specific suggestions for resolving this. One, why don't you have the subcommittee handle it? Two, if the minister isn't available or has other commitments following his Sudbury meeting, perhaps his parliamentary assistant could go on the 22nd or the other date, if available. Three, as a suggestion for cost containment, which some of the other committees are trying, at least the Legislative Assembly committee is attempting, instead of sending everybody, which is nice sometimes and is probably essential most of the time—in the case of the Legislative Assembly committee, I think 50% of the committee went to visit Ottawa and Quebec City on security concerns.

I put forth that as a possible suggestion. If you have to go twice—that's the other thing that people are concerned about—the subcommittee could possibly negotiate who would go as the subcommittee or alternates instead of the whole committee if it's not possible. I make those suggestions to move the item along.

The Acting Chair: With the Legislative Assembly, wasn't it the subcommittee that was going to Ottawa?

Mr Hastings: I don't think it was the exact subcommittee that is the subcommittee of the committee. I think there were two other members. Whatever can be arranged.

Mr Leadston: These are the two options that the subcommittee has tabled with us today. Am I correct?

The Acting Chair: That's correct.

Mr Leadston: In all fairness to the minister—I personally do not know of his timetable—there have been three different dates: February 21, March 7, and I believe there was another one mentioned when you would like the minister in Sault Ste Marie. In all fairness and with all due respect to the minister, I do not know his timetable, but I think we have to defer to the minister on what day or days are appropriate.

From one who has a riding in the south, as most of us do, I would like the option, and I'm sure my colleagues on both sides of the House would like an option, to have a dialogue with the people in the northern communities and not leave it to one or two people. I understand and I appreciate the significance of the financial considerations, but this is a legislative committee of this government and I think we owe it to the people of the north or the east or the west to meet with them and discuss their concerns, and that's what this committee is prepared to do. I again emphasize and bear in mind the significant cost, but we are the government and we've indicated a willingness to appear.

I guess it's a question of the date. That's subject to having further discussions with the minister, and I believe Mr Wood or the subcommittee will entertain that.

1550

Mr Martin: I appreciate that. I just want to table an amendment to (b) here, to the motion that's on the table, and just make a couple of comments. I would like to amend (b) after having listened to everybody and appreciating the concern that's been expressed and the interest that's been expressed, and certainly hoping that you understand the real crisis that faces us re some of the decisions that are being made and our wanting to get this done before the gate's closed and the horses are out as opposed to after.

I suggest that we amend the motion to state that the committee hold hearings on Ontario Northland Transportation Commission on February 21 in Sault Ste Marie and on March 7 in Toronto.

The minister is, I believe, making an effort to be here on the 21st anyway, as part of the contingent ONTC management and the minister. We've invited them to come. It would mean that that group, instead of coming here, would go to Sault Ste Marie and the minister would come. If, as the member for Sudbury has said, the minister is going to be in Sudbury on the 22nd anyway, it might actually be more convenient for him to be up north on the day before that. I don't see where there would be a whole lot of logistical problem there, except if he had some scheduled meetings in the afternoon and evening of the 21st, but as I said, he's scheduled to be here on the morning of the 21st anyway.

I make that amendment with those thoughts in mind. As I've said before, the reason that we're being pretty adamant on the dates on this is that we just feel we need to hear from the people of the north and the communities that are going to be affected directly re some of these decisions before as opposed to after the fact.

Mr Bob Wood: I have to say I cannot support the amendment. I think everyone here agrees on the principles, but we do have a significant disagreement on how to accomplish this. We have no problem with this matter proceeding on February 21 and March 7, at which time you can have whatever people you want here. I understand the deadlines that we're dealing with. There's no reason under our proposal why the committee can't fully deal with all the concerns that you have raised. We do, however, feel that we only have one trip north.

Mr Martin: Make it February 21.

Mr Bob Wood: At a cost of $15,000 we can't do two and we want to make it the most effective trip possible. The way to do that is to have the minister with us. There's not a thing that anyone here wants to do on the 21st and the 7th that can't be done in Toronto. Let's proceed and do that and let's take advantage of what I think is a very excellent offer from the minister and take him up and spend a day and go around and meet with people and find out what they're saying. There's no impediment to the opposition accomplishing what they want to accomplish in our proposal at all.

I've gone through this with the minister, and he has indicated what his schedule is. We can't go back to him three times and say, "Did you really mean it?" We have to assume he really meant it. I do not support the amendment, but I do think the motion (b) is a good motion and I strongly support it.

Mr Gravelle: Mr Wood, with all due respect to it, it seems to me that if we've learned indeed that the minister would be available on the 21st and if indeed we can—

Mr Bob Wood: No.

Mr Gravelle: Well, he was going to be here perhaps. If we can confirm that the minister is going to be in Sudbury on February 22, obviously this is a way of accomplishing all our goals, including the goals that your colleagues and yourself agree we should be doing, which is getting to the north. It simply makes sense to have our trip to Sault Ste Marie on February 21. The minister may indeed find that a perfectly suitable arrangement in terms of his plans for the next day. We'd go to Sault Ste Marie the 21st, which accomplishes that goal, and we'd come back here on the 7th. We're able to do it in the two days.

The minister's trip up in May is obviously planned for separate reasons as well, and if the opportunity does present itself, I can see no reason, at least I can't imagine any reason why you would say we could not check with the minister to see whether indeed he's available on the 21st to be in Sault Ste Marie, in that he's going to be in Sudbury on the 22nd and Ms Martel has confirmed he's going to be there for this specific reason.

The timing seems perfect. It seems to accomplish our goals, which are to get to the north, which you've agreed we should do. We get to the north on the 21st and we come back here and wrap it up on the 7th. I just don't understand why you wouldn't at least pursue it on the basis that this might work out well for the committee and certainly could be very suitable for the minister.

Ms Martel: If I might follow up, I was given the clear understanding that at the subcommittee people were told that the minister was going to make himself available to this committee on February 21. I was clearly given that understanding. If the minister has already committed himself to appearing before this committee on February 21, we do know then that he has set aside some time to do that. For the life of me, I cannot understand why we would not ask him then to accommodate this committee in Sault Ste Marie. He was going to make himself available anyway. The question might be that he has meetings scheduled in the afternoon and the evening. We don't know that for sure, and I'm sure that a member from the government side can check that out with his staff. But he has given a commitment to be here on that day. I think we should see if he cannot be with this committee on that day in Sault Ste Marie.

The committee then accomplishes all of its goals. It gets to go to the north, as members agreed they wanted to do. The committee only then has to travel one time and the minister can do what he wants in May with whomever he wants. The people of northern Ontario get a chance to have a say on this very important issue before the issue is all over and done with, which it will be on March 29.

Frankly, I think if this can't be accommodated, it's only because the minister doesn't want to make himself

available in Sault Ste Marie to talk to the people before this happens. I hope that is not the case. So I would most respectfully request from the government members, knowing that the minister is already going to make himself available, that we see if he cannot make himself available on the same day, at the same time, but in Sault Ste Marie.

The Acting Chair: Before we proceed any further, Mr Martin has asked to speak again. We're pretty much divided on how many speakers we've had, so I would ask you to at least consider that this just be one more speaker per caucus. Okay?

Mr Bob Wood: Fine.

Mr Martin: That's fine. I just want to very clearly, and with as much concern and seriousness as I can muster, say to you that transportation in the north is of the utmost importance; it's fundamentally essential to anything that we do. Any change to that, any influence on that to the negative—and we've had a number of decisions made by this government that have had that kind of impact over the last six months, decisions that have been made very quickly and acted on very quickly, without any time for reaction or input from those of us who are negatively affected by those. It's just not in the long-term best interests of the communities up in that part of the province.

We have a chance here, as a committee of the Legislature, to have a fairly detailed look at where ONTC is going, what is planned for ONTC and to ask some questions and maybe even to lay on the table some ideas we have re the impact of decisions and perhaps what else could be done, in particular the decision that is being made by ONTC, on the direction of the minister, re norOntair.

I'm getting two messages from you across the way. You're telling me, by the things that you're saying, that you want to come to the north, that you understand the need for this committee discussing an issue that is of vital importance to the north, to actually be up there and talking to the people that it affects the most, and yet on the other hand you're telling me that you don't want to go in a timely manner and in fact want to wait until all these decisions are made. There's really not much point in going at that point anyway, particularly where it concerns the question of the future of norOntair and the communities it serves.

I just ask you to consider the juxtaposition that's there and work with us over here as we try to serve our constituents, as we try to offer them the same opportunity that constituents in southern Ontario are so often offered by way of the convenience of just walking over here and participating in some of these discussions around an issue that is of vital importance to the economy, to the health, to the social life, to every aspect of life in northern Ontario as the future unfolds. So I would urge you to please support the amendment.

1600

The Acting Chair: Any further discussion on the amendment?

Mr Bob Wood: Yes. I'd just like to say we feel, as discussed earlier, that everything that needs to be done on February 21 and March 7 can be accomplished here in Toronto. We're happy to hear whatever witnesses you people want to bring. But we also feel that we only have the resources for one trip north and that trip should be with the minister. We think we're getting the most done by our proposal. That's why we're going to oppose the amendment put forward by Mr Martin and we're going to support the motion based on (b).

Mr Gravelle: Mr Wood, if you truly want to be credible in terms of speaking to people in the north about what your intentions are, clearly it's extremely important that the hearings get to northern Ontario and get to Sault Ste Marie before the end of March. I recognize that it may put you in a position or your party in a position where you're going to be dealing with people who are going to be expecting some strong points of view, but I know you're not afraid of that. I think you've invited that you want to have that.

It's hard to imagine that you could be taken seriously, that you intend to accomplish those goals, by simply putting it off when indeed the minister may indeed be, and in fact probably is, available on the 21st to be in Sault Ste Marie. I think we need to at least investigate that. I'll be quite happy to go and see himself myself right now if that would help. Because I think that if you really do want to maintain your credibility about your eagerness to be in the north, indeed you will at least investigate that possibility of the 21st in Sault Ste Marie, recognizing that indeed there will be some heat that perhaps you'll feel up there. But again, I'm sure that it's something you would not be afraid to get, I would hope.

It's important. My colleagues have spoken very eloquently about it and I can only echo what they're saying: It's important. If you really do want to hear the voice of those of us in northern Ontario, you've got to go there and you've got to go there, in this case. before March 29. It appears the circumstances are set up so that this can work out perfectly, as it turns out. I wasn't even aware at noon at the minister was going to be available on the 21st. So this is obviously something that can happen and so I think it really is a question of credibility in terms of your eagerness to be in the north. This is the time to be up there. I may say it would be also not a bad idea to be up there during the winter to see what some of the conditions are like up there, for those who are not familiar with that. I would like at this time to also invite Mr Palladini to be there with us.

Ms Martel: To drive there.

Mr Gravelle: Whatever. But I think it really is a point of credibility here and I would think you would at least, before you vote on this resolution, investigate whether or not the minister indeed will be available on the 21st. He was going to be at the hearings here on the 21st. Clearly, the 21st in Sault Ste Marie will work out in an absolutely perfect way and will give him an opportunity to meet the northerners he says he wants to meet, meet all of us up there in the north. It's a scenario that, unless you're willing to accept it, it's hard to take you seriously that you really do want to come to the north to meet with us on this issue.

Mr Martin: Absolutely.

The Acting Chair: Thank you, members. Are you now ready for the question?

Mr Martin: Recorded vote.

Ayes

Gravelle, Martin.

Nays

Fox, Leadston, Hastings, Bert Johnson, Newman, Preston, Bob Wood.

The Acting Chair: The amendment is defeated. So we're back then to the main motion that was made by Mr Wood. Is there any further discussion on the main motion?

Mr Martin: I just want to say that I'm really disappointed. I thought we had a feeling of understanding about this and how important the timing was. I don't know really, because you haven't put on the table, the real reasons for this delay. That disappoints me as well. I'm not sure if it has anything to do with the fact that your budget will probably be out by then and you'll be into a big public relations campaign around that and all that entails. But I just wish you would have been a bit more honest with us around why it is that you don't want to come up in a time that will allow for some discussion about these very important issues before the damage is done, as opposed to after. So I'm going to be voting against this motion as well.

Ms Martel: Very briefly, I don't want to blame the committee members here. I'm sure they got their marching orders before they got here today and were told not to try and accommodate this request at any cost. Having the committee go in May, when norOntair is not flying any more, is absolutely ridiculous.

Mr Bert Johnson: Excuse me, Ms Martel. I have a point of order, Mr Chair: I think that my motives are being impugned here and I object.

The Acting Chair: I'll take that under consideration. Ms Martel.

Ms Martel: To go in May, when norOntair is already closed down, is ridiculous. That points very strongly to the fact that the minister has no intention of hearing from northern communities, no intention of even trying to understand the negative impacts in terms of health care, in terms of economic development on those 17 communities in northern Ontario that are served by this company. There are nine communities that will have no scheduled air service after March 29—none. The minister himself, on December 16, stood in Thunder Bay in front of a TV camera and said he would guarantee that those communities would have service when norOntair was eliminated. Those communities are not going to have service. Those communities are not getting any help at all from this ministry.

We heard in Timmins last week, when we met with a number of those communities, that they haven't seen or heard from the minister or his staff or anyone else who is concerned about trying to make sure they have some scheduled flight after norOntair is eliminated. In nine of those communities there were 4,500 people evacuated by air ambulance over the last three years. When those airports are closed, how the hell are we going to get people out of those communities to get health care? They can't travel for three and a half hours from Chapleau to go to Sudbury in an emergency.

The minister needs to hear about these things and he has refused to hear about these things. What the committee should have done, and what the minister should have done if he had any guts at all, was to go to the north on February 21, because I'm sure he's available, to hear directly from these folks and to give them a chance for the first time to tell it like it is and to tell him what the problems are of shutting down this air service. I think it's just absolutely unacceptable that he would send you folks in here today to do his dirty work, because that's what he's done, and that he doesn't have enough guts to make himself available to talk to the representatives of those communities who need this air service. Shame on him and shame on you folks for having to come in here and deliver this.

The Acting Chair: We're back to impugning again, so we'd better be careful. Mr Gravelle.

Mr Gravelle: I'll be very brief as well. Perhaps I'm naïve, and maybe it's just being a newly elected member, but I must admit that I truly thought half an hour ago that we had a genuine understanding and a genuine agreement among the members across that indeed it was important that we get up to northern Ontario to discuss the ramifications of the ONTC. I felt good about it. I must admit that as a result of what's happened in the last 20 minutes or so, I am really quite shaken by it. I realize that's perhaps where I'm just going to have to toughen up, because I really believed that we wanted to have a cooperative sense. We found a perfect solution in terms of the minister being able to get there, in terms of not having two trips up there, having an opportunity to do it at the right time, and it's clear that's not what you want to accomplish. So I'm feeling bitterly disappointed about that and will certainly be voting against this resolution.

Mr Leadston: Very quickly, I have very strong sympathies with your position. However, and I said very clearly in the outset of my remarks earlier, I have no idea what the honourable minister's timetable is. I don't know. I can't dictate to that particular minister his time frame and his schedule any more than I could dictate to you or to one of my colleagues.

Mr Gravelle: So we call him.

Ms Martel: On the cell phone.

Mr Leadston: In that respect, there have been three dates bantered around. I'm not about to establish a flight time or a date for a minister or a backbencher unless I have some concurrence and some discussion with them. That's my position. I'm sorry.

Mr Gravelle: Put off this vote until we have—

Mr Bob Wood: I'm not going to repeat the arguments I've already made, because we think this is a good plan, but I might say I am disappointed that those on the opposite side are going to vote against a motion that gives us a day with the minister in the north. However, we're going to vote for it because we think it's a good motion. Perhaps we can now put the motion.

Mr Martin: The issue isn't a day in the north with the minister—you could have a raffle about that one—but the

issue is getting this committee up there to hear some good, honest input from the people of the north on the issue of transportation and the ONTC and norOntair.

Mr Bob Wood: We hope you'll bring them down.

The Acting Chair: Mr Gravelle, and then I'm going to ask the indulgence of the members that we not add anything to the discussion that hasn't been already stated.

Mr Gravelle: Before we vote on this resolution, I simply ask you, Mr Wood, to make a call to the minister to see if he's available on the 21st to be in Sault Ste Marie. That's all we ask.

Mr Bob Wood: We've already had that discussion and I'm not going to argue.

Mr Gravelle: You won't ask him whether he's available on the 21st?

Mr Bob Wood: I'm not going to raise it again. We've already had the discussion.

Mr Gravelle: It doesn't matter if he's available, in other words.

Mr Bob Wood: I move, Mr Chair, that the question now be put.

The Acting Chair: The motion has been made that the question now be put. All those in favour that the question now be put? It's carried.

Now, all those in favour of the original motion, which was (b) in the subcommittee report? Opposed? It's carried.

Mr Bob Wood: One further matter I'd speak to that flows out of this: We're going to have to make a request, I think, to the House leaders to get an order or a resolution, or whatever it's called, from the House to permit us to make this trip in May. I'd like to put on record the fact I'm going to request that of our House leader. I hope the other two parties may consider making a similar request to their House leader.

The Acting Chair: Would it be proper, Mr Wood? We don't know the date yet.

Mr Bob Wood: That's quite right. I'm saying I think we should notify our House leaders that this request is going to come forward, which it's going to.

The Acting Chair: Would we have a date when the minister—

Mr Bob Wood: No, I'm not making a motion now.

The Acting Chair: You'll bring this up at a later date?

Mr Bob Wood: That's right, and I'm going to inform our House leader now that we're going to request that. Others may wish to consider doing that.

The Acting Chair: Prior to adjourning, there's been a little dust-up at the front door and it's been asked that you proceed directly to your offices. In other words, go to the basement and across the other way. Just avoid the first floor, if you can.

The committee adjourned at 1613.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Vice-Chair / Vice-Président: Martin, Tony (Sault Ste Marie ND)
Bartolucci, Rick (Sudbury L)
*Crozier (Essex South / -Sud L)
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*Fox, Gary (Prince Edward-Lennox-South Hastings / Prince Edward-Lennox-Hastings-Sud PC)
*Gravelle, Michael (Port Arthur L)
*Johnson, Bert (Perth PC)
*Kormos, Peter (Welland-Thorold ND)
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*Leadston, Gary L. (Kitchener-Wilmot PC)
*Martin, Tony (Sault Ste Marie ND)
*Newman, Dan (Scarborough Centre / -Centre PC)
*Preston, Peter L. (Brant-Haldimand PC)
Ross, Lillian (Hamilton West / -Ouest PC)
*Wood, Bob (London South / -Sud PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Churley, Marilyn (Riverdale ND) for Mr Laughren
Sergio, Mario (Yorkview L) for Mr Bartolucci
Hastings, John (Etobicoke-Rexdale PC) for Mr Ford
Pettit, Trevor (Hamilton Mountain PC) for Mrs Ross

Also taking part / Autre participants et participantes:
Martel, Shelly (Sudbury East / -Est ND)

Clerk / Greffière: Manikel, Tannis

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Première session, 36e législature

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Mercredi 21 février 1996

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

Agency review

Ontario Northland Transportation Commission

Examen des organismes gouvernementaux

Commission de transport Ontario Northland

Chair: Floyd Laughren
Clerk: Tannis Manikel

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 21 February 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 21 février 1996

The committee met at 0933 in committee room 2.

AGENCY REVIEW

ONTARIO NORTHLAND TRANSPORTATION COMMISSION

The Vice-Chair (Mr Tony Martin): Good morning, everybody. If you'll take your seats, we'll get rolling here because time is of the essence and we want to get this job done.

The first presenter this morning is the Minister of Northern Development and Mines, Mr Hodgson, but before we go any further, I'm going to be leaving the Chair so that I can be more active in today's discussion. I'm going to ask Mr Colle to take over.

Mr Bud Wildman (Algoma): Mr Chair, I have a point of order. Perhaps before I raise that, is it possible to get some information from Mr Hodgson as to how long he expects his presentation before the committee to be?

Hon Chris Hodgson (Minister of Natural Resources, Northern Development and Mines): Probably 10 to 15 minutes, in that range, and then 10 to 15 minutes of questions and answers, if that's suitable.

Mr Wildman: It's in that regard. Since this is such an important issue for Mr Hodgson and for northern Ontario communities, that length of time really is not adequate for the committee or for Mr Hodgson, and so I move that we change the order of business to afford Mr Hodgson more time so that he can make a more proper presentation and there would be better questions. I move that we forgo the briefing that is scheduled for 10 am and extend Mr Hodgson's time for an additional half-hour.

The Acting Chair (Mr Mike Colle): Is that okay with the minister or the committee as a whole?

Mrs Lillian Ross (Hamilton West): According to standing orders, is it incumbent upon the minister to be here?

Mr Wildman: No, he's invited to be here.

The Acting Chair: No, it is not.

Mrs Ross: I'm opposed to that then; I think we've got enough time with Mr Hodgson.

The Acting Chair: We've got a motion here basically to ask if the committee supports the extension of the time designated for the minister, from 9:30 to 10:30.

Mr Wildman: Mr Chair, if I could briefly speak to the motion—I don't want to take up a lot of the minister's time—Ms Ross is completely correct: The minister is not obligated to be here. But I'm sure he would want to be. This is to afford him more time so that he can make a proper presentation on behalf of the constituents he serves in northern Ontario. The question before the committee really is not whether the minister will be here an additional half-hour per se, but whether we're going to afford him more time so that he can be if he wishes to be.

Mr Gary L. Leadston (Kitchener-Wilmot): I'm not aware of the minister's timetable. He has allotted the required time to meet with us and I'm sure we've all been briefed on the issues. Perhaps some are more knowledgeable on the subject than others, but I wouldn't require the minister or any witness, at the last minute, to stay longer than their allotted time without having some prior agreement or consultation with them. The same as any other witnesses who are appearing today; I think it's inappropriate to ask any one of these to stay longer than their required time unless we've had some discussion with them in advance.

Mr David Ramsay (Timiskaming): It might be appropriate maybe to request the Chair if he would ask the minister if he could stay another half-hour.

The Acting Chair: Perhaps that's where we should begin. Can you stay past 10 o'clock? Is that possible?

Hon Mr Hodgson: As I think the opposition knows full well, I offered to spend a full day in northern Ontario on this issue. It would have to be in the reading break when committees don't usually sit, and I realize that would interfere with the opposition's holiday schedule. However, I did offer to spend a whole day in the north on this and, as I understand, it was rejected. When I agreed to come here this morning, that was the second option as opposed to travelling throughout the north at a later date when it was convenient to all members, other than their holiday schedule.

Unfortunately, as the member who made the motion would know after being in cabinet, there are commitments that are made months in advance that you have to be at and today there's a woodlot association convention that he knows full well I have to attend. I had to squeeze this in this morning because this is an important issue.

I don't set the rules of the committee, but I was invited and voluntarily I came, unlike the history of other ministers of previous governments who very seldom appeared before committees.

Mr Wildman: On a point of privilege, Mr Chair: I appeared before any committee that ever invited me.

Hon Mr Hodgson: The member for Algoma, we could debate this for the next hour on how many times you appeared.

The Acting Chair: Members of the committee, we're going to basically run out of time here if we continue this. Let's wrap this up. Mr Newman.

Mr Dan Newman (Scarborough Centre): I just want to add that I believe that all parties would have agreed to the agenda and Mr Wildman should have brought it up with his representatives on the committee.

Mr Bob Wood (London South): I move the question now be put.

The Acting Chair: That's a non-debatable motion. First of all, we have to vote on whether the question be put or not. All in favour of the question being put? Opposed? I think that carries. The question is put.

The motion by Mr Wildman, that the order of the agenda be changed to extend—

Mr Wildman: To extend the time for the minister by one half-hour.

The Acting Chair: All in favour of the motion of Mr Wildman? Opposed? That does not carry.

0940

Mr Wildman: Mr Chair, just for my clarification, the result of this motion is that we are not extending the time to afford the minister more time to defend his position before this committee.

The Acting Chair: Whatever your interpretation is, basically your motion lost.

Hon Mr Hodgson: I'll try to be brief, given that the member for Algoma has cut into my valuable time here before the committee. It is an important issue and I'm pleased to have the opportunity to lead off this review of the role, the mandate and the operations of the Ontario Northland Transportation Commission, a schedule 2 crown corporation.

For over 90 years, the ONTC has been a significant contributor to the growth and development of transportation and communications services in northern Ontario. At the current time, its services are separated into two categories: commercial and non-commercial. The government of Ontario provides a subsidy, which will be $8 million in 1996, in support of those non-commercial services which are not self-sustaining in a fiscal sense but for which the corporation is directed to maintain certain levels of service.

It is appropriate that as we approach the new century, the ONTC and the government of Ontario review their financial relationship and craft a new partnership, one that frees the corporation to renew its entrepreneurial capabilities and seek long-term development opportunities.

This government realizes its responsibility to northerners and will provide appropriate financial assistance for those essential transportation services where viable options cannot otherwise be maintained. There is, however, a greater responsibility this government carries to all Ontarians, one that speaks to the mandate that we were given by the electorate to get the financial affairs of Ontario in order and restore the economic leadership that has been lost in the last decade.

This province has accumulated a deficit—as I'm sure everyone in the committee is aware—of $100 billion and it is growing by $1 million every hour of every day. This is punitive to all Ontarians and it restricts the economic environment and development opportunities that businesses like the ONTC need to flourish.

We are asking no more of the ONTC than we are of ourselves; namely, to strive for greater efficiencies and set new priorities. These activities will establish stability, generate growth and create new jobs. In fact, I commend the corporation for its efforts to date to lay some of the groundwork in this direction. It too has realized that there are new and important challenges ahead.

In its most recent annual report, board chairman Matt Rukavina spoke to a restructuring plan that is necessary to gain greater market share of potential business, increase efficiencies and cost-effectiveness. The ONTC is committed to a visioning exercise to determine where the corporation should be headed over the longer term, five to 10 years from now. We want to facilitate that exercise. President John Wallace—I believe Matt and John are both going to appear before this committee today—similarly spoke of the necessity of the ONTC to adapt to this changing environment to ensure long-term viability.

The government is asking the ONTC as a crown partner to share fairly in the effort to reduce expenditures and engage in cost containment. To this end, the corporation will give up $6 million in subsidy this year. That represents 4% of its operating budget in the 1996-97 year. Next year, it will give up an additional $4 million, or 3% of its 1997-98 budget. Given its commitments to northern transportation services, I believe this is fair, equitable and manageable—I underline "manageable."

These expenditure reductions are not being made in isolation. We are providing some of the tools that will help the ONTC manage the budget adjustments. By allowing the corporation to withdraw norOntair from the northern marketplace, the net effect on the company's balance sheet is the need to absorb only $500,000 of the reduction in subsidy; norOntair accumulates annual losses of $5.5 million. A pilot project, norOntair was given a mandate to expand air service throughout northern Ontario, and it was done 25 years ago. It has fulfilled its role and proven the commercial viability of the passenger air service in northern Ontario.

It is not the government's role to usurp the marketplace and hold back private sector development. The ONTC was to develop that market 25 years ago. They've done an admirable job. I am encouraged by the private sector carriers' response to the new availability of air service opportunities. If there are communities that are left out in the new mix, the board, along with myself, will be working with the local interests and carriers to examine service options.

Additionally, we have committed to the ONTC that it will be able to use the assets from the sale of norOntair aircraft, likely about $15 million, in that range; it's a guesstimate, of course. This money will stay in the north to support the ONTC's restructuring and bridge financial needs until new developments prove fruitful.

The $8-million subsidy in place for 1996 is fair support for the ferry and rail services. The corporation will, in the coming year, enter negotiations with the federal government to determine its level of support for passenger rail operations. Rail passenger service along the Highway 11 corridor between Cochrane and Toronto has a long and colourful history. It is my hope that the federal government—and maybe we can have all-party support on this—will recognize this role and responsibility in the provision of such services.

We have indicated to the ONTC that we place a priority on the marine service to the Manitoulin and Moose Factory islands and the passenger rail operations

to Moosonee. Our ongoing subsidy beyond 1997 of more than $4 million annually reflects that commitment. We firmly believe the corporation can realize some greater efficiencies and cost containment on those services. However, we realize that there is a limited commercial viability there, but a significant responsibility due to the lack of alternative services.

In regard to marine services, we have indicated to the corporation that proceeds from any lease agreement they are able to secure for the Nindawayma ferry vessel will accrue to the company and can be used to support the operating losses of the primary ship, the Chi-Cheemaun, which runs between Tobermory and Manitoulin Island.

So we are facilitating the ONTC's efforts to renew its entrepreneurial role in northern Ontario. We will assist further by providing support to the board of directors. The board will reflect a more strategic business profile and be able to provide leadership and sound planning to the corporation.

The ONTC will be free and in fact encouraged to pursue new revenue-generating business opportunities. Past governments have, in their paternalistic approach, placed restrictions on new ventures. We will not do that. There are partnership opportunities that the corporation has and will pursue that will strengthen its economic profile and portfolio in northern Ontario.

We have asked the ONTC to report back to my ministry within a year. We will work with them through that period in any way that we can assist the development of a long-term vision and business plan, one that will ensure a diversified northern transportation and communications corporation that respects its roots, caters to the appropriate needs of northerners and builds towards economically secure communities.

I'd like to thank you for the opportunity to appear before your committee and I welcome any questions or discussion on the ONTC.

Mr Michael Gravelle (Port Arthur): Good morning, Minister. I want to actually set the record straight, if I can, rather quickly. We certainly wanted to have a meeting with you regarding the whole review of ONTC and we requested that this be done on February 21 in Sault Ste Marie. We understood you were available. I think it's a little bit offensive for you to sit here and say that we would not meet with you in May because of our not wanting to use our schedules that way.

Hon Mr Hodgson: Why won't you?

Mr Wildman: It was all decided—

Mr Gravelle: The fact is we wanted to meet with you on the 21st.

Hon Mr Hodgson: But the ONTC is going to be there through the end of the next century.

Mr Gravelle: We recognized the need to have this discussion, this review, before March 29, when norOntair will be going out of service, so it was very crucial. The government turned down that request and would not even make a call to you, sir, to request whether you would be available; they wouldn't even do that. I think it's important the record is clarified. It certainly wasn't a question of us not wanting to see you in May. I'll look forward to seeing you in May. I'll be up there myself and I'm sure my colleagues will be there too. You name the date and place.

But for this issue the importance was that we discussed this in the north and we tried very hard to convince the government to give you a call to see if you were available and apparently you were, but they wouldn't make the call. That's an important distinction to make.

Also, I see no reason why we couldn't have started at 9 o'clock this morning. We didn't agree to the schedule. We suddenly saw 9:30 to 10 am. I think you would have been willing to give an hour to this discussion at least, if not more. I just wanted to set the record straight and I'll pass on to my colleagues.

Hon Mr Hodgson: Do you have any questions?

Mr Ramsay: Welcome, Minister. With the announcement from the ONTC that they would be putting an end to the norOntair air service, some of the private sector airline companies in the north, northern Ontario and northern Quebec, have shown some indication they may come in and take some of the routes. My concern would be that it looks like at first blush, for a start, not all but some of the communities are going to be covered.

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The problem I'm thinking about down the road is for how long will those communities be covered when, say, Air Creebec, which has given indication that they're going to be servicing the Highway 11 corridor through my riding and feeding into maybe Sudbury—what if they feel in a few months that there's not the uptake that they were expecting and they start to drop out? My concern is not necessarily who owns an air service, but are our communities going to have air service. I was wondering what you were going to do about that to ensure that at least we would have the air service we used to have in northern Ontario.

Hon Mr Hodgson: That's an excellent question. That's one that concerns everyone, why this hasn't been done years ago. We're going to have to work with each community on an individual basis. The board, with the chairman and the president, has met with the municipal leaders that are affected in those towns. We're encouraged by, as you mentioned, the private sector response. So far they've said they're going to pick up a number of communities. There are some that still haven't been spoken for, and we're going to have to work with those communities.

I'm going to go up and meet with community leaders tomorrow, with the chairman of the board and the president of the company, and we're going to have to work with each community to make sure that air service is viable and is provided.

Mr Tony Martin (Sault Ste Marie): I just have a couple of quick questions, because you're not here that long. The first one is somewhat rhetorical, the second one I'm very serious about.

I'd like to know, Minister, who represents northern Ontario at the cabinet table. Second, in light of the fact that you refused to come to Sault Ste Marie either today or March 7, and yes, have offered to come after the horses are out and the gates are closed, and in light of your refusal today to stay even a short time longer so that

we could have a fuller discussion with you about a thing that affects the north most fundamentally, ie, transportation, with whom and when and where have you consulted with people about this review of the ONTC? I know you're meeting tomorrow about norOntair in Sudbury, but that's after the fact. You've already made your decision. You've already decided to cut ONTC by 60%. Who did you talk to about that? Who did you consult with?

Hon Mr Hodgson: Thank you very much, Mr Martin. As you know, there are two roads in politics. I know that you work very hard for your constituents and Sault Ste Marie's affected by the norOntair part of the ONTC. The ONTC is a $150-million corporation. It provides a vital economic development tool as well as a service to northerners. I know you like to make it personal and attack the motives of the minister.

Mr Wildman: Is he imputing motives?

Hon Mr Hodgson: I can tell you, though, that we're talking about a quest for solutions. Municipal leaders throughout the north have been involved. They're continuing to be involved to make sure there's adequate air service there. We want to give the tools to the ONTC to free up so they can provide service.

Mr Martin: Who did you consult with?

Hon Mr Hodgson: As you're aware, Mr Martin, there's a board comprised of northerners that runs this.

Mr Martin: Who did you consult with before you decided to cut them by 60%?

Hon Mr Hodgson: Studies have been done for years.

Mr Martin: Which ones? Could you table them today?

Hon Mr Hodgson: I think the reality is that we can't go on spending. Who speaks for northerners? I think you'll find that with the municipal grants, with a number of decisions that have been made, northerners' concerns are and will be taken into consideration. As the northern Ontario ministry becomes the lead ministry for the north, I think that'll become more apparent over time.

Mr Wildman: What we're concerned about is air service. You made a—

Hon Mr Hodgson: You're not concerned about the whole ONTC?

Mr Wildman: We will deal with that later. Right now, we're concerned about air service. Because the decisions are already made, your tenders on norOntair's assets are due Friday.

Hon Mr Hodgson: That's right.

Mr Wildman: And you're meeting now with us at this point and with municipal leaders tomorrow. We've seen an announcement that Air Creebec will be going to fly to Hearst, Kapuskasing, Kirkland Lake, Earlton, Sudbury and Timmins, which is encouraging, but as my friend indicated, we're not sure how long that's going to last. I'd like you to answer a specific question. What carrier is going to service Gore Bay, Elliot Lake, Hornepayne, Wawa and Chapleau after March 30?

Hon Mr Hodgson: We have until March 30. So far, we've found carriers where the private sector stepped in for the other communities. I'll be meeting with community leaders. The board will be working and the corporation will be working with those towns that are affected to try to provide air service after March 31.

Mr Wildman: But you don't know if anyone's going to?

Hon Mr Hodgson: I'm not a futurist.

Mr Peter L. Preston (Brant-Haldimand): My question to begin with was why are we closing down norOntario. I think you've done a pretty good job of telling us. It's dollars, dollars, dollars, but I'll let you tell us the rest.

Hon Mr Hodgson: The board felt that there's no longer a need for the government to run an airline in northern Ontario. As I mentioned, it was 25 years ago that this was set up—

Mr Wildman: That's absurd.

Mr Preston: Just a minute, please.

Hon Mr Hodgson: The mandate is now complete. It has done its job. There's a viable private sector capacity in northern Ontario to deliver air service and we're going to work with all the communities that are affected. Right now, 14 of the 17 affected communities are proposed to be covered by the private sector. norOntair costs $4.3 million to the taxpayers and $1.9 million additionally to the ONTC. The real question is, how can we work with the private sector to make it so we have reliable service that's effective and cost-effective?

Mr Michael A. Brown (Algoma-Manitoulin): You didn't call tenders on the—

The Acting Chair: The minister has the floor. Continue, Mr Minister.

Hon Mr Hodgson: That's all.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): Mr Minister, what's your vision of the future of the ONTC?

Hon Mr Hodgson: That's a good question. The vision for the ONTC, in my opinion, should be efficient and entrepreneurial and responsive to the needs of northerners. By reducing the taxpayers' subsidy to the ONTC, we have already undertaken to make the company more efficient. This is freeing up capital for needed reinvestment and recapitalization within the organization to be used for northern Ontario. By removing the restrictions on the ONTC to pursue new business ventures we are making the corporation more entrepreneurial. I might add—

Mr Wildman: When you use $15 million in assets—

Mr Preston: Mr Chairman, we weren't ignorant enough to interrupt continuously.

The Acting Chair: Please, the minister has the floor.

Hon Mr Hodgson: The asset sales, as I mentioned, Mr Wildman, were put into northern Ontario.

Mr Wildman: I'll agree you weren't that ignorant.

Mr Preston: No, but you are, sir.

The Acting Chair: Go ahead, Mr Minister.

Mr Martin: That's because it concerns our communities.

Hon Mr Hodgson: It's always a pleasure—

Mr Martin: That's because it concerns our communities and the constituents we represent in Ontario. You bunch of turkeys don't understand northern Ontario. You don't know where it's at. The commission was put in place in the first place by a Conservative government to make sure that there was transportation in northern Ontario and you're taking that away.

The Acting Chair: There goes the half-hour.

Hon Mr Hodgson: It's okay. I realize, Mr Martin, that you want to look like you're fighting for the needs of your constituents, and that's fine.

Mr Wildman: We want you to fight for northern Ontario.

Hon Mr Hodgson: I am, Mr Wildman. You know that.

Mr Martin: There's no fire in your belly about the north.

The Acting Chair: Members of the third party, please restrain yourselves. Any other questions?

Hon Mr Hodgson: Let's be clear here, putting up $15 million to be used for assets for northern Ontario will benefit northerners.

Mr Wildman: Oh, right.

Hon Mr Hodgson: Allowing the sale of the lease of the Nindawayma and allowing the assets to be used for northern Ontario means we don't have to cut ferry service to Mr Brown's riding.

Mr Martin: Turn it over to your friends. They'll pick up the assets at a fire sale price and then disappear.

Hon Mr Hodgson: We also have, Mr Chairman, the president and the chairman of the board who have agreed to be present today at your hearings to answer questions and talk about their vision for northern Ontario. It's a board that's comprised of northerners. That's why it's a schedule 2 agency.

The Acting Chair: Thank you, Mr Minister. Time's up.

Hon Mr Hodgson: Thanks for the committee's patience for listening.

The Acting Chair: The next portion is a briefing by Mr David Pond, legislative research officer.

Mr Frank Miclash (Kenora): Just for clarification, Mr Chair, for the record we're talking about norOntair: not norOntario, but norOntair. If the government side could actually get it right as to what the name of the organization is, it would be helpful.

The Acting Chair: That's noted. Mr Pond is ready to begin his briefing.

Mr David Pond: What I propose to do, very briefly, is to—

Mr Wildman: You're punishing the north because they didn't vote for you.

The Acting Chair: Disregard the side comments, Mr Pond. Go ahead.

Mr Pond: What I propose to do very briefly is to take you through the briefing paper I've prepared for you, which is part of your package. I hope I've formatted the relevant information on the corporation in a user-friendly way. The paper finishes with a brief rundown of the critical issues facing the ONTC at the present time. I think some members will know that norOntair is one of them, but it's not the only issue facing the corporation at the present time that members might want to think about when they're directing questions to the witnesses.

If you have the briefing paper in front of you, I'll go through this very quickly. Feel free to interrupt me at any time with questions. I'll start with a brief rundown of the structure and organization of the corporation. This is on page 2. It's a crown corporation. Currently there are five members of the commission. The chair is here today, Mr Rukavina.

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The first point to be made about this is that usually the commission operates with a larger board. My information is that the minister is about to appoint five new commissioners to bring it up to a total of 10. That's going to happen in the near future.

Another point worth making about the current membership of the commission is their backgrounds. You'll notice on this table I have here on page 2, the members of the commission come from a diversity of backgrounds. They don't all come from North Bay.

The other point I might mention, because it's not clear in the table, is that Brian Stevens, the most recently appointed member of the commission, is not just a CAW member; he's quite high up in the union. In all fairness, I should point that out.

In the past commission members, like the members of other agencies, boards and commissions, have received some kind of remuneration for their participation in the work of the agency in question. The current government has asked the commission members to take essentially a cut in the remuneration they receive as a gesture of the necessity of saving money in the 1990s. That's at the top of page 3.

The other point I'll make about the commission before I move on: The ONTC staff asked me to point this out to you when I most recently talked to them. The table here, commission meetings, the number of meetings per year—what this table does not reflect is that every other commission meeting is held outside of North Bay in one of the other communities which the commission serves; again, this notion of getting out and meeting all of the constituencies which the ONTC serves, which are quite diverse as you all know.

Moving right along, the bottom of page 3 and the top of page 4 basically outline the division of labour set out in the memorandum of understanding between the ministry and the commission itself. The memorandum of understanding dated 1988 is quite crucial to understanding how the ONTC operates. The statute itself under which the ONTC operates is quite old and a bit out of date. So the MOU is the constituent document you'll want to look at for understanding the role of the ONTC, and I'll come back to that in a second.

One last thing before I move on to operations—you'll see here in the paragraph in the middle of page 4 about employment. Employment at the ONTC, as I think the northern members know, has been falling rapidly. In 1985, the ONTC employed about 1,600 people. By 1997, they'll be down to 900, again reflecting the rationalization of the operation in the face of changing economic conditions.

Moving on, operations: I'm now on the top of page 5. Crucial to understanding the ONTC is that the Peterson government in 1988 formally divided the ONTC's operations into commercial operations and non-commercial. The commercial operations are expected to make money and be self-sustaining financially; the non-commercial operations aren't. At the top of page 5, I've formatted for you the current operations of the ONTC. On the commer-

cial side is the rail freight, the telecommunications network and the bus passenger service. The non-commercial: rail passenger and marine services—marine services of course are the ferries—and norOntair, which is about to shut down. The government operating subsidy which you've heard about from the minister goes to the rail passenger and marine services operations and until March 29 to norOntair. The government subsidy does not go into the commercial operations.

Let me take you through this briefly. The first commercial operation I have headed here is the rail freight operation. This is the Ontario Northland Railway. It operates between North Bay and points north. It's a freight operation. You can imagine the kind of goods that travel on a freight operation, primarily minerals and forestry products.

A point worth noting here I have near the bottom of the page is most of the ONR—that's the acronym Ontario Northland Railway—most of its rail freight business comes from four major customers; four customers constitute 80% of its operation; seven customers constitute 90% of its operation. It's very vulnerable to a shutdown of a major customer. This happened in 1990 when the ONR lost a contract to ship iron ore from the Sherman and Adams mine. That was a huge blow financially to the rail freight operation. Hundreds of employees were laid off directly as a result.

This is part of the reason why the ONTC is now pursuing Metro's contract to ship garbage on which my colleague here's the expert. I may say some more at the end, if I get time, to talk about that. The ONTC would just love to get that contract to ship the garbage to Kirkland Lake for the obvious reason, it would bring in a lot of revenue. The chair here can carry on with that subject.

Page 7, very briefly, the telecommunications operation—this is very profitable for the ONTC. This is the only operation that makes a lot of money for the ONTC. You can see, table 4, the bottom of page 7, the profit margin on the operating side. The telecommunications network in northeastern Ontario is very successful. It's a very successful operation. I won't say any more about that.

One point, though, we're flagging in case it comes up later is that the ONTC is scheduled to appear before the CRTC in Ottawa in 1996 for a rate hearing. The rates charged by the telecommunications network for some of the services now come under the jurisdiction of the CRTC and that will be crucial for the telecommunications network because it will determine how much money they can make. I don't know if the witnesses will have time to talk to that but I flag that for your notice.

Page 8, the bus operation—the bus services basically the Highway 11, Highway 69, Highway 144 and Highway 400 corridor. It's a passenger service. The map here on page 8 gives you a feel for the routes. I'll come back at the end to talk about this. As many members probably know, the bus industry in Ontario is extremely competitive and, frankly, it remains to be seen whether the profit margin for this operation will continue in the late 1990s, given the competitive nature of the bus industry, especially in light of deregulation, which will be full-blown in 1998. The financial data you need for the bus services is in the middle of page 9.

I should mention these tables. The statute under which the ONTC operates requires it to operate on the calendar year. The province, as you know, operates on the fiscal year. So in places you'll see a divergence between the calendar year figures and the fiscal year figures.

In any case, you can see here that the bus service did not make money in 1994. It's projected to make money in 1995 and even more money in 1996; that's projection.

Continuing, the non-commercial side, the rail passenger, there are three trains, I think as most members know: the Northlander, which is the passenger train between Toronto and Cochrane; then turning over to page 10, the two other trains that serve Cochrane to Moosonee, the Little Bear runs all year round, basically, it's a mixed freight and passenger train, and then the Polar Bear Express runs from Cochrane to Moosonee in the summer and that's the tourist train you've probably heard about. It's marketed as a tourist train.

Now, the difficulty about looking at the finances of the rail operation is the ONTC, for public purposes, doesn't break down the money it makes on the commercial side with the rail freight and the operating costs of the non-commercial rail passenger service. They lump them together. What I've tried to do is break them down as much as possible. On page 11 you see a nice little table here. I got this from ONTC staff directly; you won't find it in your briefing package. It breaks down the amount of money the rail passenger service gets from its revenues, from the provincial operating grant, which we'll talk about in a second, and from the federal subsidy.

Let me say a few words about the federal subsidy. Under the federal Railway Act, which is about to be amended, the passenger service of the ONTC plus two other railways, the Algoma Railway and one that operates in Quebec, get a subsidy from the federal government. There is a bill called C-101, not the language legislation, which is currently before the House of Commons. It will radically amend the federal railway law. In C-101, the Canadian transportation act, there is no statutory requirement for the federal government to continue to offer a subsidy to the rail passenger service.

This is obviously of great concern to the ONTC. The minister actually referred to this. The witnesses will undoubtedly talk about this. The government has given the ONTC a commitment that the subsidy would continue for at least another year. That was a commitment made by Doug Young, the former federal Transport minister who has just been bumped into another ministry. Mr Rukavina appeared before the federal standing committee on transport on October 26 last year. He talked to the members about the subsidy and he expressed a concern that there was no ironclad guarantee that this federal subsidy would continue. This made it very difficult for the ONTC to plan the future of the rail passenger service. If you read the 1996 business plan of the ONTC, which is part of your package, the corporation says that if we lose the federal subsidy and the Toronto-to-Cochrane corridor becomes even more competitive, then the Ontario Northlander train is in serious trouble. I'll leave it at that and the witnesses can speak to that in greater detail.

Over to page 12, this is where I tried to break out the total rail operation to give you a feel for the financial state of it. You can see that if you lump the rail freight and rail passenger revenue together—remember that the rail freight is commercial, the rail passenger formally at least is non-commercial—compare them to total expenses, you can see that in calendar year 1994 and hopefully in calendar year 1995, the total rail operation is making some money. The projection in the corporate plan for 1996 is that it will not make money. I'll leave that there.

Moving on to the marine services, the marine services are the ferry services. As you've heard from the minister, there are essentially three ferry services in 1996: there's the ferry between Tobermory and Manitoulin Island, the ferry between Moosonee and Moose Factory, and finally, the ferry that operates on Lake Erie between Ontario and Ohio. The latter ferry service, the one that operates on Lake Erie, is under contract to the Ministry of Transportation. The ministry reimburses the ONTC for expenses plus 10%. So you can see from the table—jump ahead a bit on page 15—the Lake Erie ferry service makes money for the ONTC because of the Ministry of Transportation contract. The other two ferry services, which the current government has mandated as essential to the operation of the ONTC, as you can see from the financial statistics on page 14, are not projected to make money in 1996. They share in the provincial operating grant and will continue to do so.

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I'm moving quickly, but I want to get to the end of this. Page 15 and 16, I have some data on norOntair. I won't say any more about norOntair because I think the members will hear more about norOntair later in the day. The only point I will make about that, if you look at page 16, in the table, the provincial subsidy for 1995 is a little over $4 million. A point I think that's not often made about this is, while it is true that the provincial operating grant is being cut, at the same time the ONTC is no longer responsible for funding norOntair out of that provincial grant. So that's sort of a compensating factor for the cut in the total operating grant, if you take my point, and norOntair, as you can see from the statistics, wasn't making money for the government before it was shut down.

Mr Wildman: Could I ask a question?

Mr Pond: Yes. I figured you would. Go ahead.

Mr Wildman: The minister, in his concise presentation, said that he was going to work with the communities to get the private sector carriers. Since norOntair was losing money on these runs—

Mr Pond: In total.

Mr Wildman: In total; that's not all of them.

Mr Pond: No.

Mr Wildman: Certainly on the ones that are not now likely to have service after March 30, they were losing money, such as Hornepayne.

Mr Pond: Yes.

Mr Wildman: If there were a carrier willing to go into that community, for instance, from your research, wouldn't it seem likely that the rates would increase?

Mr Pond: Yes.

Mr Wildman: And if rates increased, ridership might go down.

Mr Pond: That's basic economics.

Mr Wildman: Yes. So if ridership goes down and rates increase, why on earth would a private carrier want to go into that community?

Mr Pond: That's a question to direct to Mr Rukavina, who is in the audience, the chair.

Mr Wildman: The other thing is that in terms of the minister's comments, the assets are being—

Mr Pond: Sold off.

Mr Wildman: —sold off and the tenders are due Friday. That's the aircraft and the equipment.

Mr Pond: And the hangar, the Dash-8s.

Mr Wildman: And the hangars or whatever. The estimated revenue from that is $15 million. I'm going to ask Mr Rukavina after if that means the $15 million will be used to subsidize air service. But is it also true that norOntair has an obligation on the pension plans, that it doesn't know exactly how it's going to proceed at this point?

Mr Pond: You'll have to ask Mr Rukavina that. I know that the corporation is currently offering a buyout package to a projected 250 employees to get them to retire early.

Mr Wildman: My question is whether the $15 million in revenue from the sale of assets would be used for that or for subsidizing continued air service to—

Mr Pond: The former—well, it won't be the latter.

Mr Wildman: It won't be the latter?

Mr Pond: No, no, they're getting out of the air business, right? The ONTC is getting out of the airplane business. They're selling off the assets.

Mr Wildman: Okay, so the impression the minister gave that this $15 million could be used by the ONTC to stimulate economic activity doesn't mean that it might be used for air service?

Mr Pond: No. That's my understanding. That's in the corporate plan which is in your package, the 1996—

Mr Wildman: And it's probably more likely to be used to cover the pension plan obligations for buyout.

Mr Martin: I hope people around the table understand that this whole issue is central to any future economic development in the north. If we don't have transportation in the north, we don't have anything. If we can't get our stuff around between communities, if we can't get our stuff down to southern Ontario and out in a reasonable time and in a cost-effective way, we really have nothing up there. So we're really concerned about this because it affects the livelihood of us. If you look at the impact of the north on the rest of the province, it's usually indicated that for every job in northern Ontario there are about five others created in the manufacturing sector someplace else because we produce the raw material. We try to add some value to it, but over the years we haven't had the opportunity to add as much as we'd like. Most of what we produce in the north is shipped south, and that's where the good jobs oftentimes are created, so there's an interrelated dependency there that's really very, very important. If we can't get our stuff to market, if we can't get people back and forth in a timely and cost-effective fashion, then we're in big trouble.

Would you, having done the research that you did, Mr Pond, characterize the development of the ONTC back in—when was it, 1936? No, 1903—would you consider it to be then a pilot project?

Mr Pond: The whole corporation?

Mr Martin: Yes.

Mr Pond: The whole corporation was started at a time when there was very little private sector activity in the north and when there appeared to be a burgeoning natural resource industry in the north which had to be serviced to market. That essentially is why the corporation was started. NorOntair was started, as you've already heard, because at that time in the 1970s there really were no private sector operators offering air passenger service in the north at all.

It's philosophical. You see this from the ministry questionnaire which you have in your package. I'm just laying out the options for you. If you see the ONTC as a business, then it's got to make money. If you see it as a sort of public investment, the way a hospital is, you don't necessarily consider it necessary that the corporation make money. It's really a philosophical question; that's up to you members to address, not me.

I can come back to that at the end if you'd like, but that's a philosophical question for you elected members to address, not for your non-partisan staff.

Mr Martin: Whether it was started as a pilot project or not, or whether it was a fundamental piece of infrastructure—

Mr Pond: Exactly. If you regard it as an infrastructure project, then perhaps the argument can be made it shouldn't be expected to make money on an annual basis. If you regard it as a corporation serving the needs of the north in the way a private sector corporation serves the needs of the north, then you would expect it to make money, or you would expect it to minimize its losses at a time when the provincial debt is a serious problem. But that's a philosophical question for you members to address, not for me.

Mr Martin: Just one other question on your research, trying to get a handle on how this fits, the ONTC, with all of its subsidiaries, all of its parts, is able, in a way that I don't think the private sector is able, being that it's individual companies, to share costs across the board. One piece may be making money; the other piece isn't. So they're able to distribute any profits and losses in a way that individual private sector companies will not be able to.

Will that have an impact in terms of the development or the disappearance of transportation infrastructure in the north? You made some reference to norOntair, kind of an aside that I think was really important about the actual contribution by ONTC to norOntair versus what they make by way of the revenue they generate.

Mr Pond: This is no great revelation to the members, but in the past the previous governments did not regard norOntair as an entity which was required to make a lot of money on a year-to-year basis. It was regarded as a service for communities which were not, in the view of the government of the day, currently receiving adequate air service from the private sector.

Mr Wildman: That included Bill Davis.

Mr Pond: I'll leave it like that. That's not for me to get into an argument about.

One other point worth mentioning about the subsidization: My understanding is that in the rail freight and the rail passenger, there's some cross-subsidization there, but the only operation which makes a lot of money for the ONTC is the telecommunications network. That essentially carries everything else, frankly.

Mr Martin: Just one other question. How much money does ONTC generate by way of revenue when it is selling services?

Mr Pond: As a multiplication factor in the northern economy? I don't know. They may have that data. I'm pointing at the two witnesses you'll be hearing from in a minute, when I point this way. I don't know, but I presume it's enormous.

We went through this with the St Lawrence Parks Commission in the previous Parliament, as you know, sir. Historically, many years ago, organizations like the ONTC or the St Lawrence Parks Commission were regarded as employers, primarily, by the local community. They provided jobs that would not be there otherwise. That was the view of previous governments.

Now the ONTC, for various reasons—they'll get into this—has been downsizing for years. They've lost hundreds and hundreds of employees, for reasons they had no control over. Again, this is a philosophical question. What the role of the ONTC should be in the 1990s, that's for you members to debate among yourselves; it's not for me to tell you.

In 1988, with the MOU, the Peterson government made it clear there were some operations which were expected to make money and carry themselves and there were other operations which the government formally did not expect the corporation to be financially self-sustaining.

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The current government has said the same thing. Mr Harris said last November that the ferry service was mandated; it would continue to operate regardless of whether it made money, and the Cochrane to Moosonee rail service was still regarded by the province as a public service which would be operated regardless of whether it was a profitable operation. Mr Harris said that the Ontario Northlander, on the other hand, should be reviewed by the corporation to determine whether it was viable financially. Mr Harris said there are other options on that Toronto to Cochrane corridor the ONTC should be looking at, and when I phoned up the ONTC last week and I said, "What's your interpretation of the word 'options' in Mr Harris's statement?" they said immediately, "Bus services."

Just to jump ahead here a bit, because we're running out of time—

The Acting Chair: A quick question, Mr O'Toole.

Mr John O'Toole (Durham East): Just a quick sketch. Could you characterize the ONTC's budget over the last, say, five years? Is it showing increasing deficit or decreasing? A general statement on the character of the budget.

Mr Pond: At the risk of offending the witnesses who are coming up next, the ONTC has had a lot of financial problems in the 1990s—a lot of financial problems. If

you look at table 12 on the top of page 17, their total expenses—expenditures, I should say; that shouldn't be "expenses," that should be "expenditures"—have declined systematically throughout the 1990s.

If you go over to pages 18 and 19, since the last time this committee reviewed the ONTC, which was early 1992, they've shed four operations: the trucking service, the hunting camp on James Bay, the Chief Commanda ferry, the second ferry that serviced Manitoulin Island. They've dropped them entirely; they've had to. They lost the Sherman mine contract to ship freight from the north down to Toronto. That was a huge loss for them. They've had serious problems. There's no way around it; they've had serious financial problems throughout the decade. Why that is, of course, is something you can explore with the witnesses.

Mr O'Toole: I'm just asking for a simple characterization. Are revenues slipping and expenditures increasing?

Mr Pond: It depends which operation you're talking about. The only profitable operation right now in a big way is the telecommunications network. Everything else is either marginal or, on the non-commercial side, losing money.

Mr Martin: But it's an investment.

Mr Pond: But again, that's your judgement.

Mr Leadston: On page 18, under comments and queries, the assets of the Hannah Bay goose hunting camp: What were those assets?

Mr Pond: The site and whatever structures were on the site at the time. Mr Rukavina and Mr Wallace can give you more details. I believe there was a bit of an environmental concern before the site was turned over, but it's now operated by the first nation. I don't know—he's shaking his head. Okay, I'm wrong. I don't know whether the Cree are making money out of it. I don't know whether they consider that a money-making proposition for themselves, but certainly for the ONTC it was no longer commercially viable. Mr Wallace will give you the details.

Mr Leadston: Is there a value that has accrued to those assets?

Mr Pond: I'm sure there is and he can—it's actually probably in their annual report for 1993 or 1994.

Mr Leadston: My second question is just a query about the status of the Nindawayma.

Mr Pond: It was originally brought on in anticipation that there was enough traffic on that route between Tobermory and the island to justify having two ferries during the peak tourism season. The second ferry was acquired in 1989, but by the time you get to 1993, 1994, there's not enough traffic to justify having two ferries. So the Nindawayma was taken off because there just wasn't enough traffic to justify having both ferries running. My understanding is it's now being chartered out, or it's available for charter service. I don't know if they have actually succeeded in chartering it out, but that's the intent.

One thing worth mentioning is that my understanding is the Chief Commanda, which is now leased to the city of North Bay, has to be drydocked in 1996—these boats have to be periodically drydocked—and that may affect the financial bottom line of the Chief Commanda operation with the city of North Bay.

Mr Leadston: Did the Nindawayma not spend more time in drydock than it did in the water?

Mr Pond: That's probably true.

Mr Michael Brown: That's not true.

Mr Pond: It isn't true? Well, there you go.

Mr Michael Brown: It's not true during the period—

Mr Pond: During the peak, during the early 1990s, that wasn't true, but if you look at the total from 1989 to 1995—

Mr Michael Brown: But up until the point that they took it out, that's not true.

Mr Pond: They took it out because they knew that the ridership was dropping, so there was no point. It's like any business operation, right? You can see that the market's not there any more; you withdraw the vessel.

Mr Leadston: Is there information available in terms of the times that it was not in service?

Mr Pond: Mr Wallace here will have the facts and figures. He's the CEO.

The Acting Chair: Maybe, Mr Pond, you could just wrap up because you've got a few minutes left.

Mr Pond: Yes, just to finish, let me just say a couple of points and then we'll stop. Just to clarify a couple of things about the cut in the provincial operating grant. As you can tell from the table on page 17, in fiscal year 1995-96, the provincial operating grant is $15 million and change. In the July 1995 economic statement, Mr Eves took $1 million off of the grant for 1996-97, and in the November 29 statement he took off another $7 million for 1996-97 and another $4 million for 1997-98, for a total of $11 million out of $15 million. It's basically a 70% cut in the $15-million grant.

There's a couple of points worth making about this. The government's position is, "Well, $11 million out of a total operating budget of $145 million isn't that much."

Mr Martin: Were you able to determine if there was any impact study done?

Mr Pond: You can ask Mr Rukavina that. There's nothing been published.

Mr Martin: In your research, did you find anything?

Mr Pond: There's nothing been published, no.

Mr Martin: No impact study was done?

Mr Pond: No, it's not been published. There may be something done within the ministry. On the one hand the argument is, "Well, you're expending 145 million bucks a year, $11 million isn't that much." The counterargument you'll get is: "That may be true but that operating subsidy was concentrated on two or three services, the ferries and the passenger train, so you're taking a lot of money from those two or three services because the cut isn't spread over the entire operation. The operating subsidy goes to the non-commercial services." The counterargument to that in turn is: "Well, you eliminate Nor-Ontair from the mix, that's $4 million you're saving right there so that's a compensating factor for the cut." I leave those arguments with you. It's up to you to decide which argument has more merit for you.

As I mentioned earlier, it is important to point out that Mr Harris has said the ferry service and the Cochrane to Moosonee train service is still regarded by the present

government, as by all previous governments, as mandated by the province. They are required to be offered to the public regardless of the cost.

The other point worth reiterating is that the Ontario Northlander's future is, in my humble opinion, up in the air, partially because of the cut to the operating subsidy, partially because of the doubt in the future about the federal subsidy, but also—and this will be my last point—the increasingly competitive nature of the bus industry. As you know, the bus industry in Ontario is very competitive. It will become more competitive after 1998 with deregulation, and it's an open question whether the Northlander will be able to keep its passengers vis-à-vis the bus industry. I'll stop there.

The Acting Chair: Thank you very much, Mr Pond, for that good background. The next presentation is from the ONTC itself, the president and chief executive officer, Mr John Wallace. The chair is also here simultaneously, Mr Matt Rukavina. Welcome to the south, the tropics.

Mr Wildman: Did you fly?

Mr Matt Rukavina: Yes, I always fly, and when I can't fly I take the train. I never drive.

Mr Wildman: You may not be after March 31.

Mr Rukavina: I'm confident.

The Acting Chair: If you could identify yourself.

Mr Rukavina: Yes, my name is Matt Rukavina. I'm the chair of Ontario Northland Transportation Commission, and John Wallace, our president and CEO, is here with me. I'd like to make a statement, Mr Chair. Then John will carry on from there and then we're open to questions. I don't have to leave until 7 o'clock. I've got lots of time.

I'd like to give you some insight into what Ontario Northland is all about, how it is changing and where it is heading. As you've heard already, ONTC is a schedule 2 crown agency reporting to the provincial government through the Ministry of Northern Development and Mines.

The mandate of ONTC is to operate a transportation and communications corporation providing services which will be in the best interests of its customers, the communities it serves, its employees and its owners: the people of Ontario through the provincial government.

ONTC was established in 1902 as the Timiskaming and Northern Ontario Railway and has grown into a corporation with 1,200 employees and an annual operating budget of $150 million. The policies of Ontario Northland are established by a commission composed of northerners, varying from five to 10 members depending upon terms and replacement. Currently we're at five members. So the policies, in effect, are set by the commission members in consultation with the Minister of Northern Development and Mines.

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Our operations are broken down into two distinct areas. There are commercial operations, which are businesses operated without public funding and carried out in full competition with the private sector, using a bottom-line objective to yield sufficient earnings to reinvest back into the business enterprises to keep them viable and competitive. The other area is non-commercial services operated for and mandated by the province with provincial direction on the service provision, the communities served, fares, and funding some of the operating costs on an annual fixed-price contract with some capital funding by the province of our non-commercial operations.

The commercial operations, looking at that side of the ledger, include rail freight over 700 miles of track serving the resource industries primarily of northeastern Ontario, as well as Rouyn-Noranda in northwestern Quebec. We are the fourth longest railway in Canada. Secondly, we have a telecommunications division, now known as O.N.Tel, and it provides long distance service along the Highway 11 corridor, north of North Bay up to James Bay, as far as Peawanuck through a satellite operation at Hudson Bay and across westerly to Hearst.

In addition to the long distance telephone service, we provide local service in five communities where other people haven't gone in, so we're providing those services, more remote communities. We also provide data processing, audio-visual, computer and mobile radio services to large customers throughout the north.

We have Internet access now through ONLINK that we are providing to northeastern Ontario, as well as northwestern Ontario. As a matter of fact, we provide this on a consulting service across Canada. We recently installed an Internet service in Prince Rupert, BC. We are currently in the process of installing an installation at Thunder Bay that's going to serve a good part of northwestern Ontario. We're into the Sault now, looking at a proposal, as well as Parry Sound, so this is an expanding part of our operations, the whole telecommunications business.

The third part of our commercial operations is the bus passenger services. We have a scheduled operation in a good part of northeastern Ontario, with the southern scheduled service linking North Bay and Sudbury to Toronto, as well as charter and tour services and bus parcel express, so that's the commercial part of our operation.

If we then look at the non-commercial portion, it receives some provincial assistance and that covers the rail passenger services by the Northlander train between Cochrane and Toronto, with bus connection to that train service from Hearst and Kapuskasing to Cochrane, from Timmins to Matheson and on to the train service that operates six days a week. We have the Little Bear mixed train; it's a mixed passenger and freight train, operating three times a week on the 186 miles between Cochrane and Moosonee, since there's no road link there. On that same road, we operate the Polar Bear Express, the tourist train, for a 10-week period through the summer.

We operate a marine department with three ferries, being the Chi-Cheemaun from Tobermory on the Bruce Peninsula across Georgian Bay to South Baymouth on Manitoulin Island. We operate a marine barge service across the Moose River from Moosonee to Moose Factory. It's the only way of getting freight across there in the summer period. Then we operate a Lake Erie service for MTO on a cost-recovery basis, going from Point Pelee to Pelee Island to Sandusky, Ohio.

Our third non-commercial operation—it's in the throes of being not a part of our operation any longer—is the norOntair service, linking 17 communities in northern Ontario.

At one time, in the good old days, if we can call them "the good old days," the global Ontario Northland operation generated annual profits of $8 million to $10 million, going as high as $15 million in some years. But times have changed, and have they ever changed. We incurred a $4-million bottom-line loss in 1992, net incomes of approximately $1 million in 1993 and 1994, and last year was basically a break-even year; we ended up at something over $2 million. There were one-time sales of assets and land. Other than that, it would have been about a break-even year. We are forecasting a deficit of somewhere between $1.3 million and $1.8 million for this current year.

Mr Wildman: Is that with or without norOntair?

Mr Rukavina: That's with norOntair ceasing as of the end of March. With those sorts of numbers, how do you generate sufficient funding to put back into the operation and carry out the very necessary capital expenditures to stay in business, if it's basically a break-even operation?

Provincial assistance towards the non-commercial mandated operations has been steadily decreasing. The assistance in 1992 was $22 million. With the provincial expenditure control plan, the government of the day also is increasing costs, that became $17.8 million in 1993. With the advent of the social contract, which we absorbed and not our employees through Rae days, because our services are under federal jurisdiction so the Social Contract Act did not apply to our operations, we were reduced in our provincial funding by $2.4 million, so that was absorbed by us.

That brought down our subsidy in 1994 to $15.3 million. During 1994, then, we could see that in the long range some structural changes would be necessary and operations would have to be different. There was a decreasing amount of subsidy. Strictly a bottom-line operation, how do you generate enough money to put back into the operation?

We then undertook a visioning exercise. We formed a group comprised of three of our senior management people, including John as our president, three of our commission members, including myself, and three people from the Ministry of Northern Development and Mines, including the deputy minister, to take a look at a visioning exercise.

To help that visioning, we sent out a questionnaire to 374 of our stakeholders and customers to get some of their views. We put all that into the mix and we came up with a vision. We concluded that exercise last year with the realization that we'd have to enter into alliances, joint ventures and partnerships in the future, as we would not be able to go it alone any longer. We also forecast—it wasn't too difficult to do—that provincial assistance would continue to decrease, and perhaps at an even greater rate than it had in the past.

This brings us to 1995. At the beginning of the year, provincial assistance for the mandated non-commercial services was established at $15.2 million. In July, with the government examining its projected deficit, we were requested to absorb an interim $1-million reduction, which we did, on the basis of distributing it over all the operations, including commercial services, and not resulting in the elimination of any service area.

On November 29, the provincial economic statement directed that our assistance would be reduced by $6 million in 1996 and $4 million in 1997, so that by the end of next year our provincial assistance would become $4.2 million. The subsidy will no longer cover assistance with capital expenditures for non-commercial operations mandated by the province, and that averaged about $1.75 million annually. We will have to absorb those costs somehow.

The Minister of Northern Development and Mines announced that the subsidy will be continued to provide rail service to Moosonee and ferry services to Manitoulin Island and to Moose Factory. The minister also advised that the ONTC will have a new mandate that is less constricting than that of the past and will include a greater and clearly defined role and the ability to work in partnership with the private sector, and we welcome this. So there's less red tape: "Here's the amount of subsidy you've got. Do what you can for the good of the north."

How, then, do we cope with this dramatic funding reduction? Over a five-year period, from 1992-97, we will have gone from $22 million to $4.2 million, a reduction of over 80% in provincial assistance. How do we cope?

The commission decided, with the concurrence of the minister, to curtail the norOntair operation which operates at an annual loss of over $5 million. We took a look at all of our operations. We couldn't make the bottom line fit with an $11-million reduction. What do we do with all the services? We took a look at the six areas of service that we provide. The one area we thought would be the least harmful to our operations—something had to go—was the air service.

With that direction, by getting out of the air service and the $5 million-plus a year of costs, one half of the funding loss of $11 million would be covered. In order to balance the books completely and try to operate with a bottom line, it was decided to offer an early retirement incentive program to our employees to reduce future operating costs and thus ensure the long-range viability of the total organization.

That's where we had to come to grips with it. We could account for about half of the $11 million. How do we account for the other half? We felt the only way to do that, and it becomes a people cost, was to take a look in the long range at an early retirement program. We have offered our employees an 80-factor plan with an incentive to have people retire. It's not the first time we've done this. We've gone through this two previous times.

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You'd heard earlier that when we lost the Dofasco contract on hauling iron ore from the Sherman and Adams mines we had to reduce staff, and 107 people took an early retirement program at that time. With the social contract in 1993, when we had to absorb the cost and not our employees, we again put an early retirement program in, and 57 of our employees took that. We are now projecting that over a five-year period perhaps 250 of our employees, starting with 90 this year, will take advantage of the early retirement program.

To put that program in, there has to be some upfront incentive. You have to have some funding to do this. We

intend to use part of the assets on the norOntair sales to assist that for the long-term viability of the organization.

Let us, then, look at the norOntair service. NorOntair was established by the provincial government in 1971 to provide air services to smaller communities that were not commercially attractive for private air carriers. The objectives of this service were to enhance the opportunity for commercial and industrial development in the north, reduce social isolation and strengthen private-sector carriers.

The service was to be a demonstration project to determine the feasibility of the system, with the intent, in due course, to turn the service over to the private sector. It was also envisioned that norOntair would provide reliable air service between northern communities and for connection with the major carriers to destinations out of the north so as to provide a regional service.

Originally, private operators were contracted to fly and maintain the aircraft, with norOntair responsible for marketing, fuel purchases and administration. Ontario Northland purchased a contracted carrier, Air-Dale, in 1988, and use of private operators was completely phased out in 1993 when we pulled out of our twin operation in northwestern Ontario and that was contracted to Bearskin Airlines. From that date, from 1993, Ontario Northland operated all of the aircraft.

NorOntair started its operations with Twin Otter aircraft and one Navajo, and in 1984 the world's first Dash-8 was delivered to the norOntair service; subsequently, we got a second one in. At present, we are operating with two Dash-8 and four Twin Otter aircraft.

We have about 75,000 passenger carryings per year from the 17 communities served, with about two thirds of that on the Dash-8 routes, covering the major centres including the cities, and one third on the Twin Otter routes. All of the routes operate at a loss, with the loss greater in proportion on the Twin Otter connections; smaller aircraft, smaller communities, smaller passenger needs. As the province provided the aircraft to Ontario Northland, we didn't purchase them, and as the province assumes all of the capital costs for non-commercial mandated services, the losses would be much greater than $5 million-plus a year if we had to include depreciation costs for those capital assets. It would be something much more than that. That was a government responsibility. They provided the capital assets to us.

Our 1996 budget was established on being out of the air service by the end of February and has since been delayed to March 29, at an additional cost of $450,000 for that extra month. We have received many requests from communities and others to delay the cutoff, but how do we do that in a fiscally responsible manner at an ongoing cost of $450,000 monthly, out of a budget that is already in a deficit position and where the clock has been ticking since January on a $500,000 monthly subsidy reduction, this $6-million reduction for 1996 to be compounded with the $4-million reduction in 1997? How do we put the numbers together?

With the interest shown by private sector carriers, and there has been a great amount of interest, we are quite certain that air service will continue in the region. Where service does not occur after March 29, and there may be some communities, we will work with those communities on the provision of service. We don't have any money—we're operating on a bottom-line basis—but we do have expertise and contacts that will be of assistance. For example, we have computer operations for reservation purposes in all those 17 communities. We're not going to go around on March 30, if there isn't a carrier in place, and remove those at a cost and then reinstall them with another cost. We will leave those in. We are having discussions with all the communities on how we can be of assistance to them and how they can assist themselves and how jointly we can talk to the private sector to provide service in those communities.

Three private sector carriers have already indicated that they will be willing to fill some of the void left by norOntair, including competition by carriers on some of the routes, which is a healthy result. We find in some areas there are two private sector carriers interested in coming in. That's healthy; that's good. It can only be of assistance to northerners. They're going to get more frequency; there's going to be better control on fares. It's good.

After 25 years in a demonstration project, the time has come financially where we must exit the air business in the interests of ensuring the viability of our other five areas of operation and service to northerners.

What's the future, then, of Ontario Northland? I feel we will continue in the transportation and communications fields, but it must be on the basis of a bottom-line approach in various partnership arrangements, in the same way that municipalities are now looking at service delivery differently from the past traditional approaches and in the manner that the private sector has had to cope with changing economic conditions over the past few years, before the rest of us. These are different times, requiring new methods. Ontario Northland intends to cope, with renewed vigour.

Mr John Wallace: I thought I would spend some time looking at both our past and looking forward, to review with the committee some of the steps we have been taking or have been contemplating taking to adjust the organization to the shrinking public funding and also the declining revenues we are experiencing on both our commercial and non-commercial operations.

Mr Rukavina has already indicated the voluntary early retirement incentive plans. In 1990, we saw a reduction of 107 positions, and that was the result of the mine closings at Sherman and Adams mine. In 1993, along with the social contract, while the act itself did not apply to Ontario Northland, we did experience the funding reductions and we instituted permanent steps to adjust to that reduction in funding by another early retirement incentive program, and there were 57 positions that left Ontario Northland.

This time we've targeted roughly 90 jobs on the early retirement incentive program that's open now and will close in the middle of March. That 90 jobs is dependent on some changes to collective agreements and a number of other factors we are doing, because we still will be expected to continue to provide the services we're providing today. Those 90 jobs, incidentally, do not

include the impact of the reductions as a result of the norOntair closure.

Mr Wildman: What is the impact?

Mr Wallace: The impact is 80 positions that are direct Ontario Northland positions.

Other cost reduction efforts we've undertaken: Mr Pond made reference to the Hannah Bay operation, which last operated in 1992. That operation we tendered for sale and then negotiated an agreement with the band in Moose Factory Island to transfer it to them. That agreement has not been completed yet. We expect it will be completed within a month. There's a land occupancy permit required from the Ministry of Natural Resources, and before that gets issued the site has to be cleaned up to its satisfaction. We expect that site will be transferred to the Moose Cree band some time within the next month or so.

In 1993 we closed the Star Transfer trucking operation, which had faced losses for a number of years as a result of deregulation of that industry and the private sector filling the void.

In 1993 we ceased the operation of the Nindawayma. We acquired it in 1989. There were increasing subsidies required for the Owen Sound operations and passenger counts were dropping, so we ceased that operation at that time.

In 1995 the Chief Commanda operation was transferred to the city of North Bay. We were losing approximately $100,000 a year on that operation. We negotiated a three-year agreement with the city to take it over for $1 a year, and at the end of the three-year period we will hopefully be completely out of that business, with the city taking over. Incidentally, Mr Pond referred to the Chief Commanda as the vessel that was going to require drydocking. It's the Chi-cheemaun that requires the drydocking.

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Also in 1995, we dropped some unprofitable bus runs. There was one of our four or five frequency runs between Orillia, Barrie and Toronto that we discontinued, and we also discontinued the service between Timmins, Chapleau, Wawa and Sault Ste Marie.

We are also closing and selling off any surplus property that we don't require. As an example, recently we sold the station in Iroquois Falls. We had offered it to the town for $1 and they undertook not to take it on, so we found a private buyer who will take over the Iroquois Falls station. We have also closed and demolished the station that existed in Porquis. This will not only save us the money that was being contemplated to upgrade these facilities but save us on the taxes and the heating and the upkeep of the buildings.

In August 1993, the operation of norOntair in northwestern Ontario was discontinued. We closed the archives in 1995. We closed our health and wellness centre in 1995. We have undertaken, for the last few years, a maintenance mechanization program on our rail line maintenance programs, which has led to the reduction of track forces, and whenever we have vacant positions we try not to replace them, whenever possible.

We also terminated our unilevel rail passenger coach program. We had acquired 20 single-level cars from GO Transit to be rebuilt in our shops in North Bay. This was for the Northlander passenger service. We terminated that program early; we did not continue with it to its full completion, in order to save money.

Finally, the item that's getting most of the discussion today would be the March 29 termination of the norOntair service completely.

On the other side of the issue, as opposed to cost reductions, I'd like to also talk about our efforts to enhance revenues. In 1992, we worked out an arrangement with the Ministry of Transportation for Ontario to assume the operation of the Pelee Island ferry operation, which has been a very successful takeover of that operation.

In 1992, we also took over the Toronto-North Bay and Toronto-Sudbury runs of the Gray Coach operation so we would be providing a continuous service from the north right through to Toronto on both corridors.

In August 1993, after probably five or six years of negotiating with Canadian National, we were successful at taking over the Kapuskasing subdivision, which is the rail line from Cochrane to a point called Calstock, west of Hearst, Ontario, which has been a very successful takeover from Ontario Northland's point of view. CN wanted out of that business; they were isolated up there in the sense that the rail lines to the east and west were not connecting to the CN network, so we were successful at negotiating taking that over.

Also, as a result of our success in the Pelee Island operation, we and the MTO have been in discussions over the last year or so about the future of the ferry operations in the Kingston area, whether there's a role for Ontario Northland because of our expertise in the ferry world. These are activities that are taken on at a plus to the bottom line for Ontario Northland.

It already has been mentioned that the Nindawayma has been publicly advertised for charter. We had three proposals received as a result of that request for proposals and we are currently negotiating with the successful tenderer to try to get into a charter arrangement so we will have some revenue generated from the lease of that vessel, yet the vessel will still retain in our ownership so that should it be required again at some point in the future for the Tobermory-Manitoulin Island service, it'll be available for us.

We are aggressively seeking new business, including the hauling of Toronto's solid waste, if it's proven to be environmentally safe. We are endeavouring to try to get a lot of lumber traffic out of northwestern Quebec because we are the logical routing direction. So we are attacking a number of fronts to get more rail freight revenue on our tracks.

We have in 1995, as Mr Rukavina has already pointed out, gotten into the Internet operation in northern Ontario. This past year we also entered into a contract with Canadian National to do all its local switching and yard operations in North Bay. This allowed Canadian National to win by being able to pull a yard crew out of North Bay, and we were able to absorb it within our own operations.

We are considering bidding on a GO Transit coach overhaul program that is currently being publicly advertised. Four bidders showed up to the meeting. It may be pushing the limits for Ontario Northland to take on work

of this magnitude, but we are certainly seriously considering it. We haven't come to a conclusion about whether we will bid, but we are—

The Acting Chair: If I could interrupt, Mr Wallace, it might be more advantageous for the committee if we could get into questions now.

Mr Wallace: I'm just about finished. I'll just say that with some of our efforts to curb rising costs, because there is in the public sector a premise that maybe there's unlimited pools of money, we had a five-week strike in 1994 with our norOntair pilots. We also had a three-month lockout with our shop workers because we are determined that we're going to have a control on our costs. We are currently negotiating for cabooseless, conductor-only operations. Last week we announced that we're going to run our freight trains through Englehart, with a saving of approximately 20 jobs, and we're working with our shop craft unions to get a more efficient operation in our shops.

Just a couple of final matters. We are currently negotiating with the federal government officials regarding the federal funding levels for the Northlander train. We are currently preparing a three-year business plan to analyse the impact of the $4-million reduction that will be taking place January 1 of next year. We are finalizing a comprehensive review of our bus operations to identify areas of concern as we move into a deregulated environment. Finally, we intend to concentrate our efforts on improving and a better relationship with our unions, because it's really all employees of Ontario Northland who are very concerned about its future, and we all have a stake in the future of Ontario Northland.

Mr Wildman: First I'd like to thank you gentlemen for your presentation. Since you're here till 7 o'clock, I'm sure we'll have more than three minutes.

You said, Matt, in your presentation that the board decided, with the concurrence of the minister, to discontinue norOntair. Could you tell me who Jim Kilgour is?

Mr Rukavina: He's our director of air services.

Mr Wildman: I'd like the clerk, who seems to have disappeared, to distribute these to the committee.

The Acting Chair: Mr Martin will do it, no doubt.

Mr Wildman: I'm sorry for the quality of this copy of a fax, but this is from Jim Kilgour dated November 30. It says:

"The Minister [of Northern Development and Mines] announced at noon today that norOntair air service is no longer a priority for the ONTC and air service would be left up to the private sector. I'm sorry but I have no further details at this time and I will keep you informed as soon as we know anything further. There was no time frame given. My apologies to our employees for informing you in this manner, but no one at ONTC had any advance knowledge of the minister's press release."

This was sent out to the employees of norOntair by the manager of the air service. It sounds to me like the minister made this announcement without consulting ONTC.

1100

Mr Rukavina: Let me give you some background to my statement, Mr Wildman. You'll recall that I said we went through a visioning exercise starting in 1994 on where we were going with the organization as a whole. We projected that there would be major decreases in provincial funding on our non-commercial operations. We concluded this in that visioning exercise and we presented this to the minister in September of last year, our visioning exercise.

The worst-case scenario, in our view, was that the subsidy would decrease on all the operations down to those essential services, in our view, that did require a subsidy more than any of the others. We concluded that the Little Bear train, the Polar Bear Express and the Moose River ferry were musts because they couldn't operate in any other way; they were isolated. That would require $6 million of subsidy. We said if that worst-case scenario did take place, we needed at least $6 million. All the other services could go, then, and we prioritized. What would happen to those other services if that worst-case scenario took place? We said the first thing that could be considered would be the norOntair operation, for two reasons, that it would help the bottom line and it would generate some money from the sale of assets.

Mr Wildman: Forgive me, but we don't have much—

The Acting Chair: The three minutes is up. The government party.

Mr Wildman: This is ridiculous.

Mr O'Toole: Thank you very much for an informative presentation. I could direct this to Matt, I suppose. You mentioned in your remarks that the cost and the decision to extend services from February through March was at $450,000 per month for norOntair. What would the passenger numbers be for that period? What is the average passenger carriage per month?

Mr Rukavina: About 6,000. There are 75,000 a year, so it's about 6,000 passengers per month.

Mr O'Toole: You must in your numbers—they're fairly thorough—have a subsidy per passenger. So it's 75,000 passengers per year running on—

Mr Rukavina: And with a $5-million-plus deficit on those, so that's, what?

Mr O'Toole: It would be safe to say you could fly them for free, basically?

Mr Rukavina: Yes, and give everybody a—

Mr O'Toole: Yes, a train pass.

Mr Wildman: Are you suggesting that?

Mr O'Toole: No, I'm not. I just want to be clear that there is a significant amount of subsidy and maybe the demand isn't as high. Has ridership or passengership been declining?

Mr Rukavina: Air carryings have remained about constant, not much fluctuation.

Mr O'Toole: You've mentioned, obviously, the subsidy from the province. Are there any other subsidies, federal or other subsidies?

Mr Rukavina: Federal subsidy on the Northlander train operation is on the portion of the CN tracks from North Bay to Toronto. We receive a subsidy that currently is in the $2.6-million range, which under Bill C-101, that we talked about, is perhaps going to disappear. We're negotiating with the federal people on that now. The only commitment we've got is that it would remain for a year. We've tried to get a longer-term commitment,

which we have not been successful at. We're also told it will not reach $2.6 million but is going to be something less than that. We're going to continue negotiating, but that presents an ongoing problem.

Mr O'Toole: Thank you for very thorough responses.

Mr Bob Wood: As I understand the economics of the transportation business, you can provide a lot more service to people through buses than you can through rail passengers. Is that correct?

Mr Rukavina: Rail passengers? No. Let me give you some of the numbers. The Northlander train carries about 45,000 passengers a year. The Little Bear train—there's no road—carries a little over 20,000 passengers per year. On the bus operation in the north, there's about 96,000 passengers; on our southern Ontario route, it's about 220,000 passengers. It's a bigger market with bus, particularly down south.

Mr Bob Wood: What I'm coming to is this: When you look at what the government's put in, there's a massive subsidy for your rail passenger and it loses money hand over fist. The subsidies are something like $13 million a year, aren't they?

Mr Rukavina: There is, but you get this ongoing argument with railroaders. They're responsible for the infrastructure. Who pays for the highways that the buses use?

Mr Bob Wood: Sorry to do this, but we're so tight on time. How much bus service could you provide for $13 million a year south of Cochrane?

Mr Rukavina: A lot of bus—

Mr Bob Wood: A lot more bus service than you're giving rail service now.

Mr Rukavina: But everyone will not take buses. You have two classes of passengers, we've found. When we had our labour dispute last November to February, over a three-month period we didn't run the Northlander train. We found that the bus passenger carryings didn't go up.

Mr Wildman: That was a lockout.

Mr Rukavina: But the Northlander didn't operate for three months, and it didn't affect passengers—

The Acting Chair: Sorry, time's up.

Mr Martin: Mr Chair, on a point of order: Given that we have until noon to do the business of this committee and we have the next group for 40 minutes, from 10:40 till noon, it looks to me like we have 10 minutes we're going to lose. I would suggest, as these are the key decision-makers re the ONTC and they're here before us now and we have a line of questioning we want to pursue even for that small 10 minutes, that we be allowed to take that 10 minutes and go until noon. I would ask the unanimous consent of the committee to do that.

The Acting Chair: The next presenter is scheduled for 11:10. What we would have to do is move them to 11:20.

Mr Bob Wood: On the point of order, sir: It's really up to the party that designated the next witnesses. If they want to take more with the—

Mr Martin: All I'm saying, Bob, is can we go till noon, and if we go till noon, can we have 10 minutes extra with these guys? They're the key people.

Mr Bob Wood: What are we doing? Are we going till 11:50 now? I have no problem as long as it's equally divided among the three parties.

The Acting Chair: We'll do that. We'll do the three-minute round and then come back, okay? It's the opposition for three minutes.

Mr Michael Brown: Thank you, Mr Chair. It's always a pleasure to see you, gentlemen, who we know well in the constituency of Algoma-Manitoulin.

We don't have much time and we'll get right down to it. To get this clear, you were instructed by the government to close down norOntair? That was your instruction. The board, as a board, did not say to the government, "Let's close down norOntair." The full board never recommended to the government that we close down norOntair. Is that correct?

Mr Rukavina: Well, in part. Our visioning exercise did say that if dollars dictated a reduction in service, the first service that should disappear is norOntair.

Mr Michael Brown: So there was an option and those options were approved by the board. Obviously, since 1988, with the MOU you've operated directly under, when the Minister of Northern Development said, "You're not going to get any more money for" whatever, you had to take that into consideration.

Mr Rukavina: Dollars dictate where we go.

Mr Michael Brown: Did the minister at that time say, "You must find a way to guarantee air service to those communities that presently had air service," that there must be a guarantee that the service would be provided by someone or some organization, be it yours or the ministry directly? What we're interested in is the guarantee. I have seen on Manitoulin two private air services come and go. I've seen in the Elliot Lake community four, maybe five—I'm starting to lose track—air services that have come and gone. You're telling me there's a $5.5-million deficit in this organization. It seems to me that many of the routes may not be very attractive to the private sector. Was there instruction to you to guarantee that these routes were served not just for a couple of months or at all?

Mr Rukavina: There was an instruction to do our best to see that air service was provided in all those 17 communities, and we are working on that. Let me turn that over to Mr Wallace. He can give you some details on what we have been doing.

Mr Michael Brown: No, we don't have much time. My specific question is, were you instructed to guarantee that there'd be air service to these communities? Not were you to work with people, were you to see if you could find ways, were you to see if you could do a few things to help them along. Were you to guarantee there would be an air service in these communities? That's the question.

Mr Rukavina: I don't recall the word "guarantee," but I think there was an implication to do the very best we can.

Mr Michael Brown: Implications and guarantees are quite different things. Could you table—

The Acting Chair: Time's up. We'll move to the third party.

Mr Michael Brown: Mr Chair, could we have an analysis of the—

The Acting Chair: You'll get another round.

1110

Mrs Lyn McLeod (Leader of the Opposition): Mr Chairman, may I table a question for legislative research that I think is appropriate?

The Acting Chair: Yes, you can.

Mrs McLeod: Given the reference to bus passes and usage of train, I think it would be helpful to the committee if legislative research could provide the committee, using selected northern Ontario communities across the north, with some distance and travel times by both bus and train where there is in fact a train available—it would be helpful to indicate where there is no train available—and use Toronto as the destination point.

Mr Wildman: Over the past three years there have been 4,500 air ambulance evacuations from nine communities served only by norOntair. Those are figures from the Ministry of Health. So this not just an economic question, it's a health question, because if there is no air service, there may not be any airport and that'll be the end of a fixed-wing air ambulance service.

In your comments, Mr Rukavina, you said that when the norOntair service began, you were mandated to serve communities not commercially attractive to private air carriers, and you indicated that all your operations in norOntair operate at a loss. Yet the minister stated outside the room here that he was guaranteeing air service to the communities. Is it your view that these communities now are economically viable for air carriers, that they are no longer "not commercially attractive" to the private air carriers?

Mr Rukavina: I can't answer that question.

Mr Wildman: I just asked your opinion.

Mr Rukavina: I'll give you my opinion. I think in some of the smaller communities there's going to be a problem to have someone come in to provide the same standard of air service they had in the past. Maybe there's some economics to a reduced type of service with smaller aircraft. This is the sort of thing we're going to get together to see.

Mr Wildman: Could you or could Mr Wallace tell me what service, whether it be reduced with smaller aircraft or whatever, will be available to these communities as of March 30: Gore Bay, Elliot Lake, Hornepayne, Wawa and Chapleau?

Mr Wallace: There is, we feel, some interest being expressed, although no one has given a commitment, for the communities of Elliot Lake and Wawa.

Mr Wildman: Hornepayne?

Mr Wallace: Hornepayne, no. Gore Bay, no, at this point. And Chapleau, no, at this point.

Mr Rukavina: There was some discussion on Chapleau.

Mr Wallace: We'll be meeting with the Chapleau representatives after the meeting of the minister tomorrow.

Mr Wildman: You can also tell us, then, that even if some of these communities might get some service—that might be reduced, but it'll be some service—there is likely to be a gap in air service subsequent to March 30.

Mr Wallace: Yes, that's correct, there could be a gap.

Mr Wildman: In terms of the areas where there has been some interest from the private sector, such as Kapuskasing, could you tell us what kind of indications you have, given your experience in the air service, that these services will be long term?

The Acting Chair: Sorry, but the three minutes are up. Maybe they can give that answer a little later, if possible.

Mr Wildman: I will point out to you, Mr Chair, and I'm not trying to be confrontational here, that I really think it is an affront to guests who've come a good long distance to a committee to be treated in the way these people have been treated in terms of the time given.

The Acting Chair: Okay. Mr Wood?

Mr Bob Wood: I'd like to pin you down on my question of a few minutes ago. You agree with me that for $13 million we could provide a lot more passenger service by bus than we currently do by train, setting aside the question of whether they're going to use it and setting aside the question of whether roads are subsidized or they aren't?

Mr Rukavina: The bus operation isn't subsidized by the province. We operate that as a commercial operation.

Mr Bob Wood: What I'm saying to you is that if we gave you $13 million and said, "Get rid of all passenger service south of Cochrane," you could provide a lot more passenger service by bus than you do by rail. Is that not correct?

Mr Rukavina: Yes, I think you could. But there's a compounding problem. The infrastructure is there that we need for the freight operation, so you haul passengers at the same time.

Mr Bob Wood: One last very fast question. I think my colleagues have other questions. The contract you got for the Pelee service: Was that publicly tendered?

Mr Rukavina: It was negotiated with MTO on a cost-plus-10% recovery basis. We end up with $300,000 a year revenue as a result of that.

Mr Bob Wood: And there's no public tender, I gather.

Mr Rukavina: Not that I'm aware of. The individual communities in that area used to operate the ferry service and they had some problems. MTO came to us, with our marine expertise, to take it over.

Mr Bob Wood: Are you aware of a public tender process with respect to the Kingston ferries?

Mr Rukavina: I'm not aware.

Mr Wallace: I would like to add, in the case of Pelee Island, prior to the introduction of the Jiimaan, the vessel that's currently serving down there, the operation had been operated by the township of Pelee Island. The province was investing an awful lot of money, I think around $25 million, for the building of the new vessel, the Jiimaan, and then it turned to Ontario Northland because of our expertise for the construction of that vessel, the necessary docking arrangements and so on. That expertise rested with us because of our own operations, so that's why they turned to us and there wasn't a public tender at that time.

Mr Bob Wood: There was no public tender?

Mr Wallace: There was no public tender at that time.

Mr Bob Wood: My colleagues may have some questions.

Mrs Ross: It's been my understanding that of the 17 communities that are serviced by norOntair, there's been interest expressed to service 14 of the 17. Is that correct?

Mr Rukavina: I didn't hear the question.

Mrs Ross: There's been interest expressed to service 14 of the 17 communities by another airline?

Mr Rukavina: More than one airline. There hasn't been anything direct at this stage on Hornepayne and Gore Bay, those two.

Interjection: Chapleau.

Mr Rukavina: Chapleau, there's some discussion.

Mrs Ross: Okay. On the ones where there's been interest shown, will there be a lag between the service that's provided now and—

Mr Rukavina: No. The new carriers have said they're going to come in on March 31.

The Acting Chair: The last three minutes, Mr Ramsay.

Mr Ramsay: Thank you very much for coming, gentlemen. Mr Wallace, to follow up a little bit what my question was to the minister where he was cut off, and Mr Wildman's question, we're all very concerned about the continuation of air service. I mean, we've got sort of two classes of communities here that are losing air service: those that we believe the private sector is going to be coming in and those that we believe there's going to be a gap and they may not even ever recover air service. On those that the private sector is coming in on, what makes you think and why would they be able to maintain a continuing air service when you weren't able to over the years?

Mr Wallace: There are various communities—we've talked about Elliot Lake and Manitoulin Island having service and losing service. These all happened when norOntair was already providing service. So norOntair was in fact taking passengers away that could have been flying on these private sector air carriers. The private sector air carriers now will have a better opportunity of at least providing a viable service in some of the communities. Kirkland Lake also had a direct Kirkland-Earlton-Toronto service at one time when norOntair was also there.

I think the private sector has to be given the opportunity to come in and fill the void and see if there is enough ridership in communities like Kirkland-Earlton, where we've seen a commercial response, in communities like Hearst and Kap, where we have two air carriers saying they're going to serve those communities.

But there will be communities, because of the numbers that we have been able to generate, Gore Bay as an example, that may not be able to commercially attract a carrier unless we are able to work with the carriers and do it in a combination of communities. That's why we're meeting with the communities. Then the carrier should try to see whether or not there should be a viable Chapleau-Elliot-Gore Bay-Toronto service, and that's what we're doing.

Mr Ramsay: I just have one other question. I noticed when Air Creebec made their announcement that they'd be coming to feed the Highway 11 corridor into Sudbury, they were talking about using pressurized aircraft. Do you think the ONTC has failed northern Ontarians by not upgrading their aircraft over the years and sticking with the Twin Otter?

Mr Wallace: We had plans in earlier years to try to replace the Twin Otters with a faster pressurized aircraft, but there was never the capital funding available to follow through with that.

1120

The Acting Chair: Okay, time's up.

Mr Martin: As there are a few minutes, we'd put a question or two on the record for research—a couple of questions that actually I almost got kicked out of a meeting in Timmins for asking, if you'll remember.

One is, according to the mandate, who in fact does the commission speak for, the people of the north or—

The Acting Chair: Remember, this is legislative research.

Mr Martin: Yes. According to the mandate, who does the commission speak for, the people of the north or the minister?

The second question is, have there been any impact studies done re the rollout of the decisions that are being made here on the whole of the north and its economy, and if there have, could they be tabled?

The Acting Chair: Okay, thank you.

Thank you very much for coming south, and I hope you enjoy our southern hospitality here for the next few hours.

The next speaker, Mr Stevens, I guess, make your way to the front.

Mr Wildman: Mr Chair, I also have questions for the research, and it's not exactly a question, it's a request that he do some research.

The meeting is happening tomorrow involving the nine communities that do not have air service, or probably will not as of March 30, and the minister. I'll provide Mr Pond with a copy of a news report quoting the reeve of Chapleau, in which he says: "The meeting is a whitewash, a pacifier. Decisions have already been made."

I would like Mr Pond, if he would, at the direction of the committee, to contact the reeves and mayors of these communities, subsequent to the meeting tomorrow, to get their reactions to the meeting to find out if it is indeed a whitewash and a pacifier or if it's something more than that and is useful and to provide their reactions to the meeting to the committee for the subsequent meeting, which may take place in May, I understand, if the minister is available.

The other question I would like the researcher to look into is what these words from Mr Rukavina—if he could contact the ONTC to get this clarification—mean: that "the dollars dictate where we go." Is it the fact that the minister dictates the dollars?

The Acting Chair: Okay.

Would you please identify yourselves?

Mr Brian Stevens: My name is Brian Stevens. I'm the president of the Canadian Auto Workers local that represents mechanical shop workers at Ontario Northland Transportation Commission.

Mr Glenn King: Good morning. I'm Glenn King. I'm the legislative representative with the United Transportation Union, and I've been asked to represent the General Chairpersons' Association at Ontario Northland this morning.

The Acting Chair: If you could begin your presentation, please.

Mr Stevens: I think primarily, just in terms of introducing ourselves, we should say that there are approximately 1,200—you may have heard, I think, through the course of the day—organized workers in Ontario Northland, and there's a parent body, an association called the General Chairpersons' Association, and that's on whose behalf we are speaking today. In terms of presentation we'll keep it relatively short and we would rather get to responding to some pertinent questions that you may have.

Émile St Hilaire, who is the representative for CALPA, who represents the airline pilots, was supposed to be here today, but just to give you an idea of what the employment opportunities are out there in the country, he is currently in Vancouver and was flying back this morning. Maybe Pearson's fogged in today, I don't know, but he didn't make it this morning.

In preparing for today, I was trying to think in terms of, how could we give the Legislature a snapshot of Ontario Northland? The thing that came to mind, and I'm not so sure that the MPPs are aware, but there's a book written called Steam Into Wilderness.

The Acting Chair: I've heard of it.

Mr Stevens: Well, good for you, and probably Mr Ramsay has read it as well, but maybe some others haven't.

The Acting Chair: Could you give that to us again?

Mr Stevens: It's called Steam Into Wilderness. In the interest of time, I would just like to read a bit of the preface, just to give you a synopsis of what the book is about:

"This book tells the story of the railway which encouraged development of those resources. In 1902 the Legislative Assembly of Ontario passed an act creating a board or commission which would first construct and then direct the operations of the Timiskaming and Northern Ontario Railway on behalf of the people of Ontario. It was the province's first publicly owned utility.

"Founded as a railway that would reach and expand settled areas of the northeast, the T&NO very soon became a community railway, serving basic social and economic needs of the towns and farms which grew like limbs from the main trunk of its north-south line. Few railroads in Canada have aroused such implicit approval or so little criticism among local people, most of whom have viewed the government-owned commission as an integral part of their own history. This attachment to regional interest and feeling induced a tension between north and south, between a sense of regional autonomy in the north and the control which reached out from the offices of the Premier and the cabinet at Queen's Park in Toronto.

"For the politicians in the provincial capital, over half a century, the T&NO/ONR fulfilled a further promise. It aided with remarkable efficiency the mine owners, the timber merchants, and the pulp and paper companies, enabling them to realize profits that were nothing short of spectacular. Some of this money ended amid the expansive, affluent suburbs of Toronto, the political and financial hub of the province, where brokers and agents of American capital treated the north as little more than a lucrative hinterland. As a result, much of the revenue directly augmented the profits of American corporations. The railway was thus a vital instrument, not only in the regional development of urban communities and farms, but above all of corporate fortunes controlled by men in distant offices who appreciated and used to the full this vehicle which the state had made available to them.

"In time, the railway became a transportation system, adapting under public ownership to the acquisition of buses and trucks, of boats and aircraft, even of telecommunications."

This government today is taking some of that away, and in doing so, you are pulling out of the commitment to servicing residents of northern Ontario. That, we believe, is a shame.

In terms of the provincial subsidy, I heard today something about $13 million. How much bus service could you provide for $13 million out of Cochrane? While that $13-million subsidy, I understand, from the line of questioning, is a myth around how heavily subsidized Ontario Northland is, you may have heard today that those subsidies actually provide—you are purchasing a service, which we operate as a non-commercial service. In fact, if anything, it's being subsidized by the men and women of northern Ontario.

Recent decisions with regard to norOntair closure will have devastating effects on northern communities in many ways, shapes and forms. We're not so convinced the private sector is prepared to continue to provide the service that's currently being provided. The next question that's up will be the role of the Northlander train in northern Ontario. If those subsidies begin to disappear, as they have been announced by the Finance minister in the recent statement, that in itself will have a devastating effect not only on the communities providing passenger rail service to men and women of northern Ontario but also to the people who work, and have always worked, in northern Ontario.

Glenn, do you want to add some things?

Mr King: Yes. Just to reiterate what Brian has said here concerning norOntair, we're certainly dismayed at the government's decision to pull us out of the air industry. We feel that we have an active role to play.

Just taking a couple of quotes from the Mike Harris Northern Focus tour—and this is dated January 1995. It's called A Voice for the North. When we're talking about airports, airports are under the gun federally too. I'm sure you're all aware of that. They say, "Access to air travel for many northerners is now being threatened."

Well, by this move with norOntair, we are under the gun. Those services are not going to be provided by the private sector when they don't make a profit, and unfortunately a lot of those routes and a lot of those communities do not have the ridership or the residents to float an airline. I feel, and our union feels, that the government has a role and is mandated to provide an effective air service in northern Ontario.

When we look at the rail industry and we hear the talk about the $13 million in subsidies, the money that the government does provide to Ontario Northland in the form of subsidies is well spent within the northern communities and I think we have a bonus to that. With the recent subsidy reductions, we're seeing our terminal

in Englehart—and I'm a railroader; I work freight and yard and passenger service there—we're going to lose a shop facility and they're talking about taking all our tracks out there except a main line operation. Now, to my way of thinking, that's going to be devastating for the community within Englehart. There's a lot of money spent there by ONR in operating expenses and there's going to also be a loss of jobs. I was telling Brian this morning on this conductor-only agreement that we're negotiating in Englehart, we'll probably lose anywhere between eight and 10 full-time jobs in just the conductors and train men alone. So there is a devastating effect when we start talking about subsidies.

1130

One of the other issues that we feel should be addressed is that the ONR has to have a formidable mandate to operate in northern Ontario. They have a very vital role to play, whether it's air or marine or the rail services. If we take one of the commitments out of A Voice for the North, on page 27—and this is from the Mike Harris report—it says: "We will...establish a renewed mandate for the Ontario Northland Transportation Commission. This will include a greater and clearly defined role in economic development, tourism, waste management and other transportation-related infrastructure"—I would assume air is part of that infrastructure—"while working in partnership with the private sector." I'm sure there's some arrangements that could be made there.

On the whole, we feel that Ontario Northland is a very viable resource in northern Ontario and the taxpayer's money is well invested in that corporation. We would hope that the committee will see fit to recommend to the government to continue our role and let us grow.

Mr O'Toole: Just a few brief questions. I've heard only the comments made by the previous presenters. How would you describe or characterize the labour relations between Ontario Northland and your own particular unions? Has it been aggressive, progressive, deteriorating? Some kind of characterization.

Mr King: That's a very difficult question. You're putting on the spot.

Mr Stevens: I guess the short answer is, it's on the mend. A previous presenter mentioned that in fact through this three-month labour dispute—and someone threw in that it was a lockout. Well, after three months I would say that it becomes a labour dispute, whether it was a lockout or a strike. So a commitment was made by the organizations—

Mr Wildman: Industrial dispute. That's the term they use in Britain.

Mr Stevens: Okay. Anyway, both parties are in agreement that in order to continue to service the people who rely so heavily on Ontario Northland, each of us has an obligation to start working on our relationship.

Mr O'Toole: I guess in that context, that's really where I'm coming from. I sensed a great deal of sentiment in your opening remarks and I appreciate your bringing that to us, because I certainly agree that it seems to be an important link, both for the community and for the economy of the north.

With that in sight, is there any other way of providing that partnership arrangement outside of a completely conflict-based agreement; some kind of cooperative where the employee-employer type of situation—is that the future? You see, when you're at a negotiating table, whoever is paying gets the say, technically, and that's what's happening here. I mean, you're there. You live there, obviously. You're committed to it. Is there any other format for delivering the service?

Mr Stevens: Which service, the labour relations service or the service—

Mr O'Toole: No, no. Not the labour relations; the service. The service first is the function of transportation in the north, and it should evolve, and demand will probably require that it evolve.

Mr King: I think when you're looking at service, I can't speak of any Ontario Northland employee who isn't committed to servicing the communities and it's very much in the back of our minds every day when we go to work. Certainly we do make our suggestions known to the company at our different management levels. Whether they're acted on or not, that can be another source of frustration, but we have avenues to voice those.

Mr Stevens: But just quickly, I think the short answer is that, looking at the norOntair experience, the employees thought that perhaps there may be another way to do that and they weren't given a chance. That was just ruled right out. The minister, in his announcement from his office in Queen's Park, or wherever it happened here, just said he was directing the ONTC to shut down norOntair services. So there wasn't even a chance for the employees' group, and in fact that's one of the things that is currently hampering us. The quick decision to cancel norOntair service has hampered the employees' group from trying to get some kind of a deal. Whether it will work or not, it needs time to perk, but they're not even getting the time to perk. They can't even plug in the kettle on this issue.

Mr Bob Wood: You mentioned a couple of minutes ago that really the end goal in all of this is service to people and I think you're absolutely right on that. I gather you would not have a problem—if we see a better way of serving the north, you're not opposed to changes in the structure of this.

Mr Stevens: Clearly, Mr Wood, with all due respect, perhaps you didn't listen to my opening comments with regard to the politicization—

Mr Bob Wood: I did actually listen to your opening comments.

Mr Stevens: —about the north and the south.

Mr Bob Wood: Just so you understand, I did listen to them.

Mr Stevens: I don't mean to be disrespectful—

Mr Bob Wood: Please don't be.

Mr Stevens: —because I am truly grateful that I am here today and have an opportunity, as an employee, to speak to this committee. But in doing so, I had to get in the car and drive to Toronto. So when I hear an MPP saying, "If we see a way of doing it differently"—"we"—my guess is you're going to have a lot of adverse reaction in northern Ontario.

Mr Bob Wood: Do you have a problem with our—

Mr Stevens: I'm not ruling it out. I'm just saying if what we get is, "We will make that decision in the nice,

cosy confines of Queen's Park," you will probably have a lot of opposition in northern Ontario.

Mr Bob Wood: I guess what I haven't quite got from your answer is, if we come up with a better way of serving the north, do you have a problem with our doing that?

Mr Stevens: I thought I answered your question, Mr Wood, and that is, perhaps you should be discussing the issues with residents of northern Ontario.

Mr Bob Wood: We indeed intend to do that. We're going to go up to the north in May.

Mr Stevens: Yes. Are you going to go up with—

Mr Wildman: The minister didn't.

Mr Bob Wood: No, the minister in fact is going—

Mr Wildman: He didn't. He didn't discuss of this—

Mr Bob Wood: The minister in fact is going to go up in the month of May. Just so that you're aware of that, we are indeed going to go to the north and we are going to listen to what people have to say in the north.

Mr Wildman: Go there tomorrow, the day before they tender the sale of the assets.

Mr Bob Wood: My second question, once I get an opportunity to ask it, is this: Would you like to see the northern economy be as competitive as possible?

Mr Stevens: That's kind of a loaded question. In terms of competitiveness or more profitable? That's two different roads.

Mr Bob Wood: My question relates to competitiveness. Would you like to be competitive with other areas of the country?

Mr Stevens: We currently are. Quite frankly, we currently are.

Mr Bob Wood: Would you like it to continue to be as competitive as possible?

Mr Wildman: How can you say no to that?

Mr Bob Wood: I don't know. That's why I'm asking the question.

Mr King: Are we talking competitive versus service cuts?

Mr Bob Wood: I'm talking competitive with other regions of the country.

Mr Wildman: Are you in favour of motherhood?

Mr King: That's going to be very difficult to do.

Mr Bob Wood: But do you want to see it as competitive as possible or not?

Mr King: I would like to see us competitive. I don't know how a community like North Bay would, say, compete with a community like Scarborough. I don't think you're ever going to see that.

Mr Stevens: We just don't have the economies of scale.

Mr King: We don't have it. We're shipping everything down here now.

Mr Stevens: Ontario Northland itself can't compete on the economies of scale with the other class 1 railways. Even our track layout is much different. We have more curves and grades per mile. If you ever get an opportunity during some vacation or parliamentary break, why don't you come up and sit in the cab of a locomotive and just see the kind of terrain that we go through. There are more curves and more grades in the rail operations than any stretch of rail east of the Rockies. That in itself requires a lot of capital outlay in terms of just keeping the plant up to speed. Here's a union rep making these arguments to you, but that's the truth and we know it because we live it, we breathe it, we're born in it. I'm born and raised in North Bay. I lived all my adult life there. So was Glenn and so was 95% of all the employees.

Mr Bob Wood: We've heard of certain services that obviously have to be provided, such as passenger service north of Cochrane, ferry service at Moosonee. Do you have any problem if those were put out to tender? Would you have a problem with those being tendered?

Mr Stevens: Why would you want to do that?

Mr Bob Wood: To get the best value for tax dollars.

Mr Stevens: They're currently getting that now, with all due respect.

Mr Bob Wood: I wasn't aware that passenger service north of Cochrane had been tendered. According to the chair, the southern services aren't tendered. Is the one at Moosonee being tendered?

1140

Mr Stevens: If what you're saying is that we're going to turn over our assets, our infrastructure, things that we value, turn that over to the private sector and somehow they're going to magically do it cheaper, I think that's an assumption that—

The Acting Chair: Time is up. We'll go to the opposition.

Mr Wildman: There isn't one passenger rail service in Canada making money.

Mrs McLeod: I will lead off, Mr Chairman, although I'm still trying to figure out the impact of the last question because I'm not sure how you publicly tender a rail service if there's only one carrier that has the infrastructure.

In any event, I would suggest to the members opposite that there are quite a number of residents of northern Ontario sitting on this side and we would be happy to talk to them about our concerns as northerners at any point that they would like to have some dialogue with us, because we get very nervous when they start talking about a better way of providing transportation in northern Ontario, particularly when I hear constant reference to rail service and bus service, which are certainly important, but to the exclusion of any discussion about the assurance of air service in northern Ontario.

When I hear the members opposite talk about a better way, it seems to me to suggest that over a period of years there has been a real concern about mismanagement on the part of Ontario Northland in trying to meet the transportation challenges. I'm not sure that the case could be made, and if that's the basis on which the government is taking action or making changes, then I would like to see indications of where they believe the mismanagement has occurred and where more efficient service can be delivered.

I think the bottom line is the one that was made in the earlier presentation, which is that the government, for totally arbitrary, in my view, financial agenda reasons, has changed the bottom line for Ontario Northland. It has nothing to do with service. It has nothing to do with how you continue to provide the service that's needed in the

most cost-effective way. If that was what we were discussing here, it would be a very different kind of committee meeting. What we're talking about here is, how does Ontario Northland deal with the cutbacks that the government has made that are arbitrary and that provide no guarantee of continued effective transportation service in northern Ontario?

I can tell you that if there is one subject that gets northerners very upset, it is a challenge to the ability to deliver effective transportation in the north, because we are absolutely and totally dependent on it. That's why I've tabled the question for the committee to have some information about communities in northern Ontario, including some of those more distant northern communities, and the travel times by bus. It would take me two days to get here by bus. It would take Mr Miclash three days to get here by bus. We might be able to do it a little faster by train. Unfortunately, my community doesn't have train service any longer, so I'd have to travel a long way to get a train before I could get on it to get to Toronto.

I remember historical days when, I believe, members from northern Ontario used to get on trains to come down to do their job and they went home at Christmastime. Well, I can tell you, that is not the kind of participation that northerners have come to believe we're entitled to as citizens of this province, and I submit to you that this really should be the agenda that's on the table.

What is the responsibility of government in Ontario to ensure that the people of northern Ontario can fully participate in the business of this province, as well as in its government, and how can the government recognize some of the realities for economic development and growth in our communities so that our communities can continue to be viable? This isn't just strictly a question of whether or not you can get there cheaper by bus. It's a question of how you can provide effective transportation that is the absolute base for the economic viability of our communities and the participation of our residents in this province.

I think it's unfortunate that in the earlier presentation we didn't get time to explore the whole question of the original mandate of Ontario Northland. It was mentioned in the earlier presentation; you mentioned it in your presentation. I don't want to put you on the spot, but I think it's important for somebody to have a chance to talk to this committee about why Ontario Northland was established, what it saw as its mandate, because I don't think it simply was to provide the cheapest form of transportation in northern Ontario.

Mr King: No, it wasn't. As I understand it, Ontario Northland was originally formulated as a development route to open up and promote economic development in northern Ontario, and that's what it has done as it moved through the communities, from North Bay to Temagami, through the lumbering, mining in Cobalt, Timmins. We've always traditionally been a resource-based region and that's what we're dependent on. I think it will be a long time before that ever changes.

We have to have a way of getting our resources to market, and I think we do that very well. I think what we take out of the north in the form of transportation should be put back to it. We have no commitment from the federal government in passenger service, whether it be rail, air or bus. One concern we also have provincially with the bus is we understand that the government is committed to full deregulation in 1998. That's going to put, unfortunately, the passenger in the back seat again and they're going to be forced to stay home, because they won't have services to their communities.

But our initial role was a development role, and we ran numerous passenger services and school cars and whatever through the 1920s and 1930s.

Mrs McLeod: Incidentally, although our population base is very small and our distances great, which is why if you were to look, as one member has suggested, at a per-person subsidy for the transportation, it would look very high. That's the reality of a small population base with a very large distance to transport them.

Mr King: Yes. We don't have the population density.

Mrs McLeod: But the resource contribution, in terms of the financial contribution to the province, by having enough people there to at least manage the resource industry is very significant, I think out of proportion to the size of the population.

Mr King: I think it's important that the committee perhaps look at the revenues that we have turned back to the provincial treasury in the last, say, 60 or 70 years. We've always been a self-sustaining railway, to my knowledge. I think we've done very well, but I think it comes the day when the government has to decide too and say: "Look, we're giving you a mandate, and go and do it. We're here to help you. We're here to help those small communities." And that's what the people of northern Ontario want to hear. They want to come to Toronto. They want to spend their money down here.

A lot of times the people that I deal with on the passenger train are young, single families. They have no way to get their children down the street here to Sick Kids hospital. They come on the train. Some of them do it on the bus. Like Mr Rukavina related to earlier, it's proven by the studies that have been done that in northern Ontario we have bus passengers and rail passengers.

Lots of people that I meet on the train say, "You take my train off, and I'm not going to Toronto any more." A lot of people don't have motor vehicles up there, so I don't see any other way for them to access the services down here.

Mrs McLeod: There are so many dimensions of this. There are a great many senior citizens in northern Ontario—

Mr King: A lot of seniors.

Mrs McLeod: —who are already beginning to feel very isolated.

Mr King: They're very concerned about where transportation is going in this province. They're very limited to where they can go from their homes.

Mrs McLeod: You touched on one issue—again I don't want to put you on the spot, but if you care to expand on it—and that's the role of subsidies in relationship to transportation in northern Ontario. If you wanted to elaborate a little bit more on that.

Mr King: I think in subsidies, and we've seen with the deregulation of the air industry as a whole in Canada, it's

a user-pay service. If you can afford to pay $300, $400 or $500 I guess, Mr Wildman, to fly from your community down here, which is atrocious, people don't have that kind of personal resources. I know there are lots of arguments about providing people with a subsidized service, but to me we pay taxes in this province and we are entitled to some form of suitable and accommodated transportation.

Mr Martin: I wanted to follow up actually on the line of questioning that Mr Wood started and that Ms McLeod has continued, and that's the question of how important transportation is to the north. I think that point needs to be made over and over again. If we don't have first-class, high quality, available transportation, we have nothing by way of industrial development, health services, ability to connect with each other and the south.

I mentioned earlier today before you came that for every job in the north, the formula's always sort of been something like five to one in the south. We cut down a tree. We take a ton of ore out of the ground. It comes down here and it produces just a whack of—actually a very much more lucrative job down here. We in the north shouldn't have to come, cap in hand, to the south to beg for first-class transportation services, to appeal for a slowdown at least in the decisions that are being made by this government re decisions around ONTC, which was put in place way back at the early part of this century in recognition of the fact that transportation was really important. If you look at other countries similar to Canada, Sweden for example, train service, transportation, you can whip from the southern end of Sweden up to the northern end of Sweden in a matter of hours.

1150

Mr King: That's right.

Mr Wildman: Sweden is about the same size as Ontario.

Mr Martin: Two or three times a day.

The Acting Chair: Please speak into the mike, Mr Martin.

Mr Martin: Two or three times a day, and that country is very competitive. We're always hearing about the new technology, the new ways of doing business and the competitive nature of that jurisdiction. We talked today about the need for Ontario to be competitive, and I don't think there's anybody will disagree with that. The question, though, I guess, is how we get there and who we include in getting there. All of us have a vested interest in making sure that Ontario, and northern Ontario particularly, stays competitive, that we have a future, that we have jobs that pay good wages.

I guess, having said all that, I want to know, because you are probably one of the most directly affected stakeholders in these decisions because your jobs are at stake and many of you have committed most of your lives—you've worked hard, you've invested time and energy in learning, and you continue to contribute. I think, Brian, you're on the board of directors at the ONTC.

Mr Stevens: Yes.

Mr Martin: A real personal interest and commitment on behalf of your people in this. What consultation was done with you re these decisions? How did you find out about the norOntair decision, for example? How involved have you been in this whole visioning exercise that's going on?

Mr Stevens: On the visioning process, that was a process that started before my appointment to the board and actually, I think, included during—you know, after I was appointed, that process was well underway. But in terms of consultation, primarily with the norOntair cuts, how I heard about it was I guess the same as everybody else in the province. I was being interviewed. As a matter of fact, I was being interviewed for another story and the reporter had said to me that he had just viewed this electronic press conference held by the minister and he had announced that norOntair was shut down. So I actually heard from a reporter, and I felt some injustice, more so as a resident of Ontario, but as a commission member as well. I thought those were decisions that at least there should be consultation with the commission and the operating department, the administration, and my guess is that didn't happen at any level. It was just the minister made that announcement and that's how it happened.

Mr Martin: It's too bad Bob still isn't here, but I'll talk to him after, or Mr Wood. He had said a couple of times if we make a decision that will provide transportation that's more competitive, if we do that—and then Ms McLeod referenced the very intense feeling that we all have in the north about our transportation systems and how involved we want to be in decisions that are made. We want to be not only told, but we want to be intricately involved in that.

I know the effort that the norOntair employees made in partnership with some folks from Sault Ste Marie and others to try and salvage that service. Given that we're all interested in stability in that activity, how interested would you, as an employee group, have been—and how interested will you be, given an opportunity to participate in the future of this very important infrastructure with this government—if you had been invited in to sit down and talk and work out some other arrangements?

Mr Stevens: I guess the short answer is we would be very interested, but to what our role would be, we would probably want to keep some distance from an employee takeover so to say, but in terms of having input into the process and into some of the decision-making, we think we have a right, as residents of northern Ontario and as employees and as stakeholders in the organization, to be involved in some of the discussions.

Passenger rail service that's provided in our corridor is second to none in Canada, and probably, short of some of the new equipment coming on with Bombardier in the US, second to none in Canada in terms of intercity rail transportation. That equipment was built by the skilled workers who work in the shops of Ontario Northland in North Bay. We converted just shells of single-level GO Transit cars into fully electrified intercity passenger cars—second to none in Canada, and it's just an absolute shame that the government is considering mothballing that equipment or trying to find another market. I would have thought that perhaps the government would take that as an opportunity to say: "Listen, here's a chance for us. Here's a little niche for us to try to get into manufacturing some intercity rail transportation." Mind you, it would

probably not be able to compete on the level of the high-speed that's being shoved around by Bombardier, but none the less, there is a market niche there, I think, for that type of equipment, and they should be exploring that. Rather than retreating from northern Ontario, they should be pouring in.

The government has a role to play, a very important role, and that's from the turn of the century. I would like to just say that, even if there's an employee involvement, the government must continue to be involved in the operations of the ONTC.

The Acting Chair: Thank you very much, gentlemen, for making this presentation. It certainly is appreciated you've taken this interest and time to come here, and it certainly has been helpful, I'm sure, to all members of the committee. So, again, thank you for putting in this kind of extraordinary effort to come down here for this committee. Thanks very much.

The committee will stand adjourned until 2 p.m.

The committee recessed from 1157 to 1403.

CITY OF ELLIOT LAKE

The Acting Chair: Mr Fred Bauthus is the CAO of Elliot Lake, the Miami of the north, I guess they call it. Grey is the official colour of the city? I mean, the senior citizens love going there.

Mr Fred Bauthus: Young retirees.

The Acting Chair: Yes, the older adults. Anyway, we're ready to begin. If you could give your presentation, then there'll be questions that will follow.

Mr Bauthus: Mr Chairman and members of the panel, thank you for this opportunity to present our concerns respecting the operations of ONTC, particularly as they relate to the operation of norOntair. However, I'd like to say before I get into some of the other comments that we are concerned about the way that the announcements and the cut on norOntair have come about. Of course, through Mr Eves's announcement with regard to the cuts, it was announced that there would be cuts to Ontario Northland, and from that point on there was never any dialogue in terms of the actual cessation of norOntair, in communicating to the municipalities that are stakeholders in this, with the rest of the province.

What was particularly disconcerting was the fact that at no time was there any dialogue with the stakeholders, the municipalities, as to any possibilities to look at restructuring operations or services that might address the financial issues of the day. While I appreciate that we can't comment on the operational efficiency of norOntair, we would certainly be in a position to sit down and discuss the levels of service. There may have been other alternatives than just the straight cessation of that air service, and we are concerned about that. It certainly doesn't do anything to enhance the relationship and partnership arrangements between the local governments and the government of the province of Ontario.

Having said that, we also have the concern that when you go back to the rationale in establishing norOntair in the early 1970s, it was to address the economic and social needs and to assist with the diversification and the strengthening of northern Ontario. It was recognized that government assistance for air travel was a necessity, given the immense distances, the isolation and lack of population in the north. Unfortunately, even with the passage of some 25 years, that situation remains in that there are still the immense distances, the low population and the isolated communities. Air transportation is very important, particularly when you take a look at today. Northern Ontario relies on the resource industry, and over the last years the resource industry has taken a terrific beating. So the rationale to say that we were going to be able to provide government assistance with the hope that economic fortunes would change has not come about; in fact, it's gone the other way.

Elliot Lake is a very particular example of that situation. In 1990, the announcement for the closure of the mines came down. Through the past five years, the mines have been decommissioning and we're now at the point where the last operating mine in Elliot Lake will close in June of this year. The impact of that on the community is that our tax base has been decimated by some 40% as a result of the elimination of the mining sector.

However, we're fortunate, with the assistance of the province, to capitalize on our ability to utilize the housing that we have in the community and develop a successful retirement living program. To that end, we have stabilized our population to about 14,500, which is down a couple of thousand from 1988. In fact, if you take a look at our statistics, our occupancy rate is up to about 93.5%, which is a significant improvement over our figures of 1992-93, which were at about the 77% to 79% occupancy rate.

Retirement living is a very important economic thrust for us. While we recognize that it is not going to be the long-term solution to our losses in the mining industry, it is certainly a successful economic bridge to allow us to get on with other things and work with business and the government sector to improve our fortunes in the future. To date we have been successful, as I said, with the assistance of the government.

1410

However, air service is an important part of our ability to market the community. We are somewhat isolated. We're located halfway between Sudbury and Sault Ste Marie, some 18 miles north of the Trans-Canada Highway. So in relation to any other services, we have neither direct bus nor rail nor a direct highway link. So air service, and the perception of air service, to the community is very important and certainly adds to our ability to market the community.

Looking at Elliot Lake alone, our volume of some 3,300 passengers in 1995, most of whom were business passengers, indicates that there is a definite reliance on air traffic in Elliot Lake. The figure related to the business volume comes from the information we received in terms of the Sypher report. So it's very important that we do have scheduled air service.

But that's not the only service that the Elliot Lake airport provides. We provide, through the operation of the airport, significant services for the health sector. Last year there were over 300 transports by medevac, and those numbers are increasing on a regular basis, particularly if you take a look at the fact that we are becoming a retirement community and our demographics are aging.

There is more reliance on air transport than in the past. Also, there are over 500 courier landings in Elliot Lake to provide an efficient and timely connection for those businesses and banks to transport information and data and to ensure a timely link with the larger financial and other institutions in Toronto and Sudbury. So the airport is an integral part of our operations.

If we were in a situation where we did not have a scheduled flight coming into Elliot Lake—and if I might just make the comment, the same would be true for a lot of the other communities that are serviced by norOntair—there would be little rationale to support a budget item, in Elliot Lake's situation, of some $175,000 for the medevac and the courier services. It would just be beyond our means.

According to the Sypher report, they indicated in that report that there would be four municipalities that would probably lose service. Elliot Lake, in my view, looking at the report, would be marginally viable provided we put on a smaller plane. However, as of this time we have not had any real expressions of interest in taking over those routes. There have been some overtures; however, the discussions have always led to the question, are there any subsidies or guarantees on seats to come into Elliot Lake? So Elliot Lake is one of those communities where it's going to be extremely difficult to have a replacement service.

There is also the concern—and I think this has to do with the way the announcement and the timing of the announcement came about—that we've had less than three months to address this issue. For us to get out and negotiate and determine what alternatives are there is very difficult for us to do, particularly—

Mr Wildman: How did you hear about the announcement?

Mr Bauthus: The original announcement came through as a fax to the employees from ONTC.

Mr Wildman: You didn't get any consultation?

The Acting Chair: Can you just let the speaker complete his presentation and you can ask questions when it's your turn.

Mr Bauthus: Our concern in terms of this is that three months certainly isn't adequate time for a municipality to respond to a major shift like this, particularly as we did not have all the information. Up until now there were significant subsidies in assisting with air travel in the north. We have been attempting to meet with the minister. In fact, we have a meeting with the minister tomorrow to discuss the same issue.

As I was saying, it was very difficult for us to sit down and discuss anything with any potential carriers in that we weren't sure what our position was in the sense that the majority of the municipalities, Elliot Lake included, are already carrying a heavy load in their budget to have the airport there. We fund it totally exclusive of user fees and the MTO subsidy, which after next year will be eliminated. We've had nothing really to go out and say, "We're looking for a carrier," because we didn't know exactly what our financial position was vis-à-vis the province.

That is a very brief outline of the concerns of the city of Elliot Lake. As I indicated, there are other municipalities that are also serviced by norOntair, and in that respect Elliot Lake took the lead and prepared a brief to the minister on December 22, addressing our concerns on a cooperative basis. You have a copy of that brief that was presented to the minister. In that we outline the areas that are going to impact all the municipalities, some to a differing degree, but health service is a major issue, business is a major issue, efficient operations in many respects, and having the airport and dealing with MNR, especially during the forest fire season; having these airports available in the potential trouble areas certainly has a benefit.

This certainly supports the need that the province should reconsider its position in providing assistance for air transportation in northern Ontario, which leads me to the brief that is under the heading Air Service in Elliot Lake, prepared by the economic development officer in Elliot Lake. That, as much as anything, rather than getting into all the specifics which are there for you, provides some recommendation.

Elliot Lake certainly has learned, and I think we've shown quite successfully that we're quite prepared, to deal with our issues and try to put forth business plans that are workable in the long term; however, we're going back and saying to the government, "We can't do it ourselves." We're not asking for the government to come in and just provide a handout. We're trying to say we want to go into this on a partnership basis and look at viable ways to make air service in northern Ontario work.

In the past, with norOntair there, there were some assumptions, "Well, we don't have to do anything," and it continued and now we're at a point where we have to look at other ways and means of supporting air transportation in northern Ontario. We're looking at saying, I think the key is, it's impossible for the municipalities to respond in this short time frame. We know the norOntair situation at this point is a fact and it's even moving further down the road, given that the tenders are opening on the 23rd for the sale of the assets. However, we're saying to the government of Ontario that we just don't have time to do this and to restructure it, and the impact of shutting down the air service even for a short period of time is going to be extremely difficult to resurrect if that is the case. The province must consider some other means, but in a structured way.

1420

We're putting forth for the city of Elliot Lake. We're looking at some opportunities, we're negotiating some opportunities, but we're going to need some assistance. Even if we were to sit down with the individual municipalities affected by the closure of norOntair and strike some individual arrangements that would work in their particular instances, even looking at decreasing subsidies, suggesting, "You're going to have to do something, you know the subsidies are going and you're going to have to work to that end," but three months is just not appropriate and proper consideration.

I've provided you with just the outline of my presentation, and also with a copy of our position paper that's certainly open for discussion, a copy of the brief and then also some letters of concern from a number of different individuals who feel air service in northern Ontario is

important. We have letter in support from Brent St Denis, member of Parliament for Algoma, from Mr Wallace Kenny, the president of the Ontario chamber, and other local businesses and other concerns. I respectfully ask that you look at this. If there are any questions outside of today, I'd certainly be prepared to assist in any way we can.

Mr Preston: It's my information that Bearskin Airlines is going to fly into Elliot Lake with no interruption and no subsidy. How do you feel about that?

Mr Bauthus: How do I feel about that? It would be great if they're going to come in and continue the service. To date, there has been no dialogue with them. They have not approached us. As Elliot Lake is a municipally run airport, there are a number of things to negotiate: schedules, landing fees, agency fees and so forth.

There has been no dialogue from them. I have not precipitated any discussion with them, as I said, until I know exactly what we're prepared to offer. We certainly cannot afford to subsidize their operations in terms of waiving landing fees and agency fees if we have to provide staffing out there. As I said, the operation of the airport is costing us today, to meet the requirements, some $175,000 a year.

Elliot Lake has just gone through a situation where we've addressed a 40% reduction in our tax base and, as you're aware, a significant reduction in transfer payments from the province. We've been able to successfully deal with that to date, but it would be extremely difficult for us to address that issue.

Mr Preston: You're saying the municipality is suffering really from a lack of funds right now for various reasons.

Mr Bauthus: I don't know we're suffering any sense any more than others, but we're at the end. We've restructured and adjusted our services to the best of our ability. We have to recognize who our ratepayers are and their ability to pay. Given we're a retirement community, the majority of them are on fixed incomes and so forth. We have a number of constraints that we're working with.

Mr Preston: You're in the same position the whole government's in. The whole provincial government is doing exactly the same thing.

Mr Michael Brown: We want to thank you very much for coming down today. One of the things I don't think the government really understands, and I think you say quite clearly, is that this announcement came without any kind of consultation. It didn't really come with any kind of consultation, we found out this morning, with Ontario Northland. It was announced and that's the way it was going to be and they scrambled to reconcile that.

The community itself had no prior indication until November 29, and probably after that because the ministry did everything it could to fudge this whole announcement for a week or two, to actually sit down with the ministry, and I'm talking about the ministry, not Ontario Northland, to sort out how air service can come to an important northern community like Elliot Lake. There were virtually no discussions, or maybe "virtually" is even too strong; there were no discussions.

Mr Bauthus: In all fairness, I talked to the president, Mr Wallace, earlier in December and he indicated that, yes, the decision was made for a number of reasons, that norOntair would be closing.

Mr Michael Brown: But that was after the fact.

Mr Bauthus: Yes. The discussion was in December as part of the review and preparation of the brief we prepared for the minister on December 22.

Mr Michael Brown: Has anybody from the ministry offered any kind of guarantee that air service would continue in Elliot Lake?

Mr Bauthus: The only thing I can say to that is the media announcement that the minister indicated there would be air service in northern Ontario. There hadn't been any specific discussions with anybody in the ministry to guarantee that. I've talked to the minister's office and they've indicated that Bearskin is prepared to come in.

Mr Michael Brown: But Bearskin hasn't talked to you?

Mr Bauthus: Bearskin hasn't talked to us.

Mr Michael Brown: This is really quite interesting.

I don't think maybe members here understand Elliot Lake and I would like to ask them to come and visit us in Elliot Lake some time, but this is a community that has gone through a remarkable transition in the last five years and is continuing in that transition. What that's meant is that the industrial sector or the mining sector, which were large users of air service in the past, are essentially gone come June this coming year.

Mr Bauthus: Totally gone.

Mr Michael Brown: Totally gone. It's out of there. Rio Algom's closing. But they were a significant user of air service. Now it's probably even a more critical need that we have attracted literally thousands of seniors and other folks to Elliot Lake to live in affordable, good accommodation at reasonable prices. The problem with that is they need the air service, but often they don't have the kind of financial resources that the president of Rio Algom had. Even though they might use it less often, the need is maybe greater for—

The Acting Chair: Sorry to interrupt but time is up.

Mr Michael Brown: Thank you, Mr Chair. You're always most generous.

Mr Martin: I would as well like to thank you for coming, Mr Bauthus, today and painting for us a picture that certainly those of us who come from the north understand, and hopefully those who don't are beginning to understand, how important transportation is to northern Ontario and how important in this day and age air service is, particularly to a community, as you've shared with me before, that has no bus service in and out, that has no train, that has no boat.

The only really scheduled passenger transportation service in and out of Elliot Lake is the airplane and for you to have a future, it seems to me you need to have an airport that's functional and there for all the various uses that you've outlined in your brief and that you have air service that's dependable and that you can count on.

It paints a picture of a community that has some stability as you go through the transition that you are

from a mining town to a retirement living town and the other things you will develop over the years.

The one thing you want the outside world to think about Elliot Lake, I'm sure, is that it's a stable community that has all the amenities of modern-day life and if you want to get in and out in a hurry for whatever reason, you can. Certainly, I think even the folks across the table would agree that's probably something we should all be striving for for your community as we look at the future and economic development etc.

There was some reference made this morning to the fact that 14 of the 17 communities have been approached now by private air services that are interested. Can you tell us how many companies have approached you and what the conversation has been to date and how you feel about that. Does it give you any sense of comfort or assurance?

1430

Mr Bauthus: We've had one company approach us directly. We've talked with them, and I understand they've also talked with ONTC, with regard to our loads and so forth. The comment that came back was that they were wondering to what extent we'd be prepared to guarantee seats on the plane. I left our discussion with them and I said that after we talked with the minister and we understood where we were in terms of any potential assistance or what we could do if we were with our backs to the wall and that, we'd come back to them. There is another interest that just started last week with regard to some operations respecting the airport itself, not the carrier or the transportation.

Mr Martin: In other words—

The Acting Chair: Sorry to interrupt, but time is up.

Mr Miclash: On a point of clarification, Mr Chair: We've had a government member state that Bearskin Airlines is going into Elliot Lake, but yet we have the chief executive officer of this community, with us here, who says he's heard nothing about these arrangements. Did I understand that clearly?

Mr Bauthus: I have not talked directly with them. In fact, I shared a limousine with the president of the company a couple of weeks ago in Timmins, and there was nothing raised there.

Mr Miclash: Maybe we can have the government member explain where he got that information.

The Acting Chair: I think that's basically a question that is noted on the record, but it's not appropriate, I think, for this morning's presenter to answer that.

Mr Miclash: I just want to get some clarification on that, Chair.

The Acting Chair: If they wish to clarify, they can a little later.

Mr Preston: The information was given out this morning.

Mr Michael Brown: From a press release?

Mr Preston: That gentleman over there.

Mr Wildman: Rukavina didn't say that. He said that there were some discussions. That's all he said.

The Acting Chair: Anyway, thank you very much for coming down from Elliot Lake. The committee appreciates it.

Mr Bauthus: Thank you. If there's any other information—

The Acting Chair: We have copies of your brief. Thank you.

TOWNSHIP OF MICHIPICOTEN

The Acting Chair: The next presenter is Reeve Doug Woods. Welcome, Mr Woods, and please make your presentation.

Mr Doug Woods: Good afternoon, ladies and gentlemen. My name is Doug Woods, and I'm the reeve from the township of Michipicoten at Wawa, Ontario, which is located 240 kilometres north of Sault Ste Marie on the Trans-Canada Highway, Highway 17. Thank you for giving me this opportunity to appear in front of you this afternoon to make a presentation on the subject of transportation as it relates to my area of northern Ontario.

The recent announcement by the Ontario Northland Transportation Commission and the government about the regularly scheduled norOntair service, which services both large and small centres in northern Ontario, was received with a certain amount of concern by the members of council and those who live in the municipality. This comes on the heels of other announcements relative to public transportation in northern Ontario. The most recent announcement also came from the Ontario Northland Transportation Commission, in June 1995, advising us that the Ontario Northland bus service, which connects Timmins, Chapleau, Wawa and Sault Ste Marie, would be discontinued due to low ridership.

Council responded to this announcement with a resolution of concern, and I believe the Premier, the Minister of Northern Development and Mines, our MPP, Mr Wildman, and officials at Ontario Northland were all forwarded copies at the time. We understand the position taken by the ONTC in discontinuing this regularly scheduled bus service between these communities due to lack of ridership and appreciate that with cost-effectiveness uppermost in your minds, unprofitable services such as this should be reviewed and discontinued if a need is not proven. Over the years, we have also been advised of the reductions and changes in services and schedules to our communities by Greyhound Bus Lines and we have taken a most understanding approach towards these announcements, appreciating that the service cannot be continued without subsidy.

In the 1970s, when Ontario Northland introduced the regularly scheduled norOntair airline service to our communities, we were particularly pleased to embrace this new method of passenger travel for smaller, more remote northern communities, or as a method of connecting us to the larger northern Ontario cities and to southern Ontario by other commuter airline service. We have enjoyed this additional method of travel throughout our province for the past 25 years now. We have come to rely on this service as an additional method of travel available to us, not only for its passenger potential but for the potential to move freight in and out of our community to accommodate the ever-diversifying business sector, particularly in the mining and exploration industry, which, although having proven to be volatile in the past, is nevertheless an important part of our ongoing economy.

We now come to the most recent announcement made by the provincial government and ONTC: that the norOntair service we have enjoyed for the past 25 years will be discontinued on March 30 because of the lack of subsidy dollars being made available to the ONTC by the province of Ontario.

Our council took the time to digest this announcement and felt it would be in our best interests to find out precisely how this announcement would impact on the economy of our community and our region, if at all. Council authorized the commissioning of an economic impact analysis of the withdrawal of the norOntair service from the Wawa Municipal Airport. This study was done by a well-recognized aircraft consulting group called AvGroup Corp.

I believe it is fair to say that the members of council understood completely the rationale behind the government's recent announcement. The subsidized passenger airline service through ONTC has been in place for some 25 years. The service has been utilized, however extensively, by the 12 or so communities which the airline company has serviced, and the Ontario government now felt it was time to withdraw the subsidization available and allow the private sector to pick up any potential business they felt they could realize a profit from. This rationale has all been appreciated and accepted by the members of council, and indeed our community.

However, the results of our economic impact analysis have shown very clearly that the withdrawal of such a regularly scheduled airline service would have a tremendous negative impact on our community. I have brought with me a copy of this report and I would be pleased to leave it with the Chair of the committee so that you may peruse the information at your leisure. I have also forwarded copies of the document to the Minister of Northern Development and Mines, the Minister of Transportation and other government personnel who have requested this information from us.

The real purpose behind my presentation to you this afternoon is to make you aware of, and hopefully help you understand, the differences in travelling in southern Ontario, say, below the Parry Sound-Muskoka line, when compared to requirements which residents of northern Ontario face in order to enjoy the same mobility as you have been accustomed to in the south.

How many of you would travel from Toronto to Kingston, or from Toronto to London, or from Toronto to Sudbury, to attend a doctor's appointment, enjoy a day of shopping or seek specialized services? The residents of Wawa make these trips on a routine and regular basis, travelling approximately 240 kilometres one way, from Wawa to Sault Ste Marie, for these and a host of other reasons. This is a two-and-one-half-hour car trip one way, and then after our business has been completed we turn around and drive home for another two and one half to three hours.

The provincial highway system is a blessing to us and is used routinely and regularly by our residents and by those bringing goods and services into our community. We find our highway system to be acceptable but feel that there is always room for improvement with respect to the provision of better road service.

As you may know, most large cities in Ontario, including northern Ontario, which have an airport adjacent to their community are aware that these airports are all maintained and operated by a senior level of government. We are all aware that the federal government has taken the approach recently that it would like to get out of the airport business. These cities which obviously will become affected by the announcement are presently considering the option of becoming airport operators so that the service can continue to be made available to their residents, businesses and industries which presently support the services or whether to walk away from the issue. These federal facilities—and I speak of the ones located in North Bay, Sudbury, Sault Ste Marie, Thunder Bay and some others—are not supported by the municipal property taxpayer, to the best of my knowledge, in raising funds to pay for the capital, maintenance and operating the facility. It is an essential service provided by a senior level of government and taken advantage of by the local residents as well as the business and industry located in the city or the immediate vicinity.

1440

Conversely, all small northern Ontario communities that are fortunate enough to have an airport within their municipal jurisdiction find that the majority of the costs of operating and maintenance of that airport vest with the local property taxpayers through their municipal councils. Our council has, since the opening of the Wawa Municipal Airport, paid most of the costs of operating and maintaining the facility. The employees working at the Wawa Municipal Airport are municipal employees. So you can see the first difference between a large city airport and small, local facility: One is supported by the federal government; the other, in the main, by the local taxpayer.

The second difference I would like to draw to your attention is the matter of provincial subsidies to airports in Ontario. I understand that the large airports I have mentioned are financed by the federal government and various airlines that use the services available at these facilities. I am not aware of any provincial government subsidies being applied to these airports and I would not expect the province to subsidize or support in any meaningful way a federal facility. However, on the other hand, the Ministry of Transportation has for years subsidized the operation and maintenance of smaller municipal airports and greatly assisted in the capital development of them as well. The recent announcement that airport subsidies will be reduced by 50% in 1996-97 and by a further 50%, to a zero subsidy, in 1997-98 leaves the entire cost of operating the smaller airports with the municipality. I am sure that you will see that the difference becomes obvious: The smaller airports will now be completely funded by the local taxpayer and the larger, more attractive airports will be funded from other sources, most likely not by municipalities.

Now we are faced with the announcement that the only regularly scheduled airline service into our community will cease operations on March 30. I am sure you will appreciate the decision that I myself and council are faced with almost immediately should no private airline service come forward to advance a passenger schedule available to our residents.

Allow me to recap:

We now pay most of the costs of operating and maintaining our airport, with some MTO subsidy. In our case, the subsidy has been $39,000 from a total expense of $222,000. Recognizing that we have other sources of revenue generated by our airport, the taxpayers I represent in Wawa must pay $72,000 a year in order to make this service available.

The MTO subsidy of $39,000 in 1995 will be reduced to $19,600 in 1996, with the difference being picked up through other innovative revenue-generating sources and those taxpayers whom I represent.

The only regularly scheduled airline service is due to cease operations March 30. We now lose rent within our airport terminal building from norOntair agent space as well as other revenues, such as fuel sales, that we might have enjoyed from this service.

Obviously, the challenge to my council is, do we continue to operate the Wawa Municipal Airport with no MTO subsidy and no regular passenger airline service?

Our airport is also utilized by the medical practitioners in northern Ontario and becomes a most vital service for those patients who cannot be appropriately treated in small northern Ontario hospitals. Medical cases judged by the attending physician to be beyond the capability or expertise of the local hospital to meet the requirements of the patient are flown to larger hospitals which are staffed by specialists and other experts who provide service not available to us in small, rural communities throughout northern Ontario.

Medical emergencies are another frequent user of our air ambulance service. I am sure that you're aware of the long, isolated stretches of Trans-Canada Highway and other less travelled secondary routes which have experienced vehicle accidents on a more regular basis recently than we have seen in our past history. This past year or so has been particularly bad for a large number of highway collisions along Highway 17, which is serviced by our local hospital-ambulance service.

One would think that with the cutbacks the Ministry of Health is also imposing on small hospital outlets throughout Ontario and the potential for the reduction of medical services in many of their isolated locations, such as Wawa, rather than to continue to fund them, funds would be better spent supporting a well-maintained local airport which can accommodate medical emergencies and other air ambulance service so that prompt, first-class medical attention is within reach of those who may need these services. Our sick and infirm, accident victims, demand no less attention because they may require this medical attention from a northern Ontario location, rather than from a more populated, available and appropriately staffed medical facility in southern Ontario.

While I'm on the subject of subsidies, I would like to draw to your attention the fact that in recent municipal budget discussions, it has been brought to our attention that our municipality pays more to support provincial government-mandated services, such as social services, homes for the aged, children's aid society and the regional health unit, than our present level of unconditional and specific transfer payments from the province bring into the community. On close examination, we have determined that if the province relieved us of our obligation to support these provincially mandated organizations and kept the conditional and unconditional transfer grants which we presently receive, including the MTO airport subsidy, we would be further ahead financially to pay our own way on a cost and carry basis.

I find this factor very interesting when I speak to upper level government representatives who are attempting to ensure that standards of services are provided for all residents in Ontario yet do not support these provincial initiatives with the necessary funds to ensure that all of us pay equitably for the services provided.

I feel it incumbent upon me also to advise you that the Minister of Natural Resources uses many of our small northern Ontario airports as convenient locations to land forest firefighting aircraft, pick up aircraft fuel etc so as to maintain any efficient forest firefighting aircraft service from airports which are much closer to the scene of action than are larger, more metropolitan airports. The availability of these smaller, properly maintained runways has proven to be of great assistance, and our most recent example of this during the 1995 Dubreuilville fire has proven beyond a reasonable doubt that there is definite need to maintain small northern Ontario airstrips for a variety of reasons.

Can we afford to maintain this vital component of municipal infrastructure? Can we afford not to maintain this vital component of municipal infrastructure? The government's decision to withdraw regular scheduled airline service has not made our decision any easier.

Ladies and gentlemen, distance in northern Ontario is against us. We are accustomed to travelling many hours and long distances from one community to another, for whatever reason. As I set out to you previously, would you travel from Toronto to London or Kingston to take advantage of the same services which I must travel from Wawa to Sault Ste Marie to enjoy? This factor, I believe, must be realized by our provincial lawmakers and the issue must be treated with a great deal of sensitivity and regard. There is a difference in distance when you live in northern Ontario as compared to living in southern Ontario.

Population is also against us. It is very easy to justify a service being provided to the population when the numbers warrant that service and profits are easily realized. For the same service, let's say medical service, for instance, to be enjoyed by all residents of the province of Ontario would indicate that certain allowances are required for those of us who are located in more remote sites, away from the so-called Golden Horseshoe of Lake Ontario, in order for us to enjoy the same service as is being made available to the larger population base found in this vicinity.

We all understand that a portion of our provincial taxes subsidizes the Toronto Transit Commission and indeed any other public transportation commission in this province. We do not take advantage of these public transportation systems because they do not apply to us. We do not complain about the subsidies being provided to public transit systems which are primarily located in larger systems in southern Ontario.

We are concerned, however, when the subsidy to provide some fairness in potential services is removed from northern Ontario for cost-cutting reasons. This makes us feel very uncomfortable and not wishing to be placed in the position of becoming second-class citizens in our own province. I would implore you to look very closely at these standard levels of transit service to us so as to ensure that those of us living in more remote northern communities of this province are not arbitrarily denied access to the service because of our meagre population base.

1450

In summation then, I would ask you to consider very carefully continuing some sort of support, in subsidized dollars or otherwise, to ensure that all residents of Ontario, particularly those residents living in northern Ontario, continue to enjoy transportation systems and services which allow us to continue to be linked with southern Ontario so that we may enjoy access to large hospitals, medical specialist services, a wide variety of shopping and a host of other business, professional, leisure and social experiences which are not available to us living in northern Ontario.

I thank you for your time and attention.

Mr Michael Brown: Thank you for I think just an absolutely complete presentation. How would your council feel if the Ministry of Northern Development was to guarantee an air service to your community and that it would be up and running by April 1?

Mr Doug Woods: I think they would be very happy about that.

Mr Michael Brown: Have there been any discussions with the ministry that would guarantee—and I stress "guarantee"—an air service to your community?

Mr Doug Woods: Not to this date, no.

Mr Michael Brown: You will be attending the meeting tomorrow in Sudbury?

Mr Doug Woods: That's correct, yes.

Mr Michael Brown: Is that your first contact with the minister regarding this particular issue?

Mr Doug Woods: Formal, yes.

Mr Michael Brown: We all recognize we're in a world where things are changing and we have to deal with issues in a different way and we have to find new and better and fine ways of doing it. But I'm not sure you can do that in three months. That's what we heard from Elliot Lake and that's what I've heard from Gore Bay. It's what I've heard from all the municipalities that I've been in contact with over this issue.

I've driven the highway up to Wawa a number of times and been to your fine town, and I just wonder, you were closed for the winter. I mean, it's not something that's unusual in Wawa. You're in one of the parts of the world that you get a lot of snow. There are obviously medical emergencies during that where you can't use the highway system.

Mr Doug Woods: I think the highways between Wawa and the Sault have been closed between 12 and 15 times this year, and in those cases it's not always been storms in the Sault and in Wawa. Planes could land in both places.

Mr Michael Brown: It's in between.

Mr Doug Woods: It was in between.

Mr Michael Brown: Yes. It's a beautiful stretch of highway, and I would encourage all members to drive it, but there are times of the year when I wouldn't want to particularly be there.

On the municipal airport itself, how much in subsidies will you be losing when you lose not just the direct subsidy, which we know is going over the next two years, but the landing fees that you're now receiving from norOntair and whatever other fees you might receive?

Mr Doug Woods: Our landing fees from norOntair are not a great deal of money. In fact, in my opinion, we've been subsidizing the ONTC for the last 25 years, because we've never raised their rent or their fees for landing there—until this year. We did this year when we heard they were pulling out. We figured we'd get what we could.

Mr Michael Brown: I like the way you think.

The other issue I guess we didn't really address is the tourism side of this from a standpoint of I know Wawa is a major tourist attraction. A large number of people arrive from all parts of North America, by small plane anyway, in Wawa, during the summer months in particular. Has there been a kind of economic impact of what it might mean to lose that kind of fly-in tourism we're used to in our part of the world?

Mr Doug Woods: I think the best way I can answer that question is just to tell you that we consider the airport an essential service. We are not intending to close it, no matter if the regular schedule airlines pull out or not. We need it both for, as you said, tourism, we need it for industry development. The mining industry is on the upcline, especially gold. Also, and probably most important, we need it for the air ambulance service.

Mr Michael Brown: It's critical for the air ambulance service.

Mr Doug Woods: Definitely.

Mr Wildman: Doug, I really appreciate you coming and making the presentation. I agree with my colleague from Algoma-Manitoulin: The drive from Wawa to the Sault is probably the most beautiful in Canada east of the Rockies, along Lake Superior, but because of that, when the lake is not frozen over, when the bays aren't frozen, you get an awful lot of snow in the Montreal River and Matachewan areas, and that closes the road a lot.

I notice from the attachment you tabled with the committee the consultant estimates that the economic benefits to the township of Michipicoten for having air service are about $600,000 annually.

Mr Doug Woods: That's correct. That's what we would lose.

Mr Wildman: So you're looking at that kind of loss to your economic activity in the community if the air service discontinues.

Mr Doug Woods: Yes.

Mr Wildman: Also, the Wawa airport doesn't only serve Wawa, obviously; it serves the whole region. So you're serving your community, but in a sense you're also of central importance to places like Dubreuilville, White River and the areas east towards Chapleau as well.

Mr Doug Woods: That's correct, yes.

Mr Wildman: And you have now the development of a new major plant just east of Wawa. Have they indicated to you, the Jagar plant, what impacts it would have on their business if they can't have access to air travel?

Mr Doug Woods: No, but they are probably one of the prime users at the present time of the airport.

Mr Wildman: Okay. You also mentioned and my colleague asked you about the air ambulance service. I would like to go on from that. Just as most northern small communities, and also small communities in southern Ontario, the township of Michipicoten has had some difficulty attracting physicians over the last number of years from time to time. Is that not correct?

Mr Doug Woods: That's to say the least, yes.

Mr Wildman: If you can't attract them now, what is your anticipation of that situation if there were a circumstance where the airport no longer continued to operate and so you wouldn't have access to fixed-wing air ambulance service?

Mr Doug Woods: I really don't know what the effect to the community would be. As you're well aware, Bud, the doctors we do have now are very dedicated to it, partly because they do have an avenue of access. They are overworked because they are understaffed and they do use the facility to get away even for a day or so.

Mr Wildman: So you have the two aspects. You have the aspect that in order for a doctor to get respite, he and his family can go for a weekend to the Sault or to Toronto or whatever, but there's also the question if they don't have the assurance that in an emergency they can call in a fixed-wing air ambulance to evacuate one of their patients to a larger centre, be it Sault Ste Marie or Sudbury or Toronto, you don't know whether that would affect their willingness to continue to practice in the north.

Mr Doug Woods: We'd probably lose more doctors.

Mr Wildman: That's a serious concern. Also, last summer we had a circumstance where the Ministry of Natural Resources carried on a major forest fire emergency response in the area of Dubreuilville, just northeast of Wawa. Was the airport in Wawa significant in that operation?

Mr Doug Woods: They used the airport for all their water bombers, for flying in supplies. Actually, the whole facility basically was taken over by the MNR for the week to 10 days it went on.

Mr Wildman: So you're—

The Acting Chair: Thank you. Time is up.

Mr Wildman: The point, Mr Chair, is that council now is faced with the question whether or not they continue to operate this airport without the revenues—

Mr Preston: Is that coming out of my time?

Mr Wildman: The air service is coming out of northern Ontario, and you guys don't seem to see it as important.

The Acting Chair: Okay. Mr Preston?

1500

Mr Preston: Are you going to start the button now? All right. Thank you very much for coming here today, sir. My information is that Bearskin Airlines will be coming in to our airport without interruption without subsidy. Could I have your comments on that, please?

Mr Doug Woods: We would welcome it.

Mr Martin: Without subsidy?

Mr Doug Woods: We need an air service, so, yes, we would welcome it even without subsidy.

Mr Preston: What type of emergency evacuation plane do you locally use now, fixed-wing or helicopter?

Mr Doug Woods: Both.

Mr Preston: So the fixed-wing situation—although the airport at this point is not going to be lost, the helicopter is available in your area?

Mr Doug Woods: Yes.

Mr O'Toole: Just a quick question. Thank you very much for your informative presentation. We all have a copy. Mr Brown mentioned tourism. Do you see this as a significant deterioration of tourism with the removal of this air service by the province?

Mr Doug Woods: With the discontinuation of an airport, it would be a drastic effect.

Mr O'Toole: That's not my question; the air service. You said you're going keep the airport.

Mr Doug Woods: No, I don't.

Mr O'Toole: Do you know why? Because most of them are chartered privately. Right?

Mr Doug Woods: That's correct.

Mr O'Toole: And someone who lives in the south shouldn't know that, should they? Someone in the north should know that.

Mr Wildman: None of us raised tourism.

Mr O'Toole: I was just trying to clarify it, because I wasn't sure what was the question.

Mr Wildman: We didn't raise tourism on this. We've raised air ambulance and—

Mr O'Toole: No, you didn't.

Mr Bob Wood: I gather from your presentation that your concern is that service be maintained. Your concern is not how it's done, but whether or not you get the service.

Mr Doug Woods: That's correct, yes.

Mr Bob Wood: You do not have a problem if we replace an outdated system with a new system of providing the service.

Mr Doug Woods: None whatsoever. No problem with it whatsoever.

Mr Bob Wood: Okay. Thank you. Those are my questions. We'll reserve any time we have—I guess we won't, because that's the end of the witness.

The Acting Chair: Mr Preston, you've got about two minutes here.

Mr Preston: No, thank you very much.

The Acting Chair: We want to thank you on behalf of the committee for coming all this way. I think it's helped. The two briefs are excellent, and I think they are going to be very beneficial too. So thank you for making the long trek down here.

CANADIAN RED CROSS SOCIETY, SUDBURY

The Acting Chair: The next presenter is Maryanne Rivet, the assistant lab manager from the Red Cross in Sudbury.

Ms Maryanne Rivet: There are four communities that we service that utilize norOntair for the transportation of

blood products. Moose Factory and Hornepayne use norOntair exclusively for all blood product delivery requirements. Timmins and Kapuskasing use norOntair in emergency situations, using other methods of transportation for routine blood product requirements.

Moose Factory is serviced by the following: NorOntair provides two departure times, with 2.5 and 15 hours for delivery. A ground courier provides one departure time, with 24 hours for delivery. Moose Factory has no bus service.

Hornepayne is serviced by the following: NorOntair provides two departure times, with four and 18 hours for delivery. A ground courier provides one departure time, with 19.5 hours for delivery. A bus provides one departure time, with 25.5 hours for delivery.

Timmins is serviced by the following: NorOntair provides two departure times, with 45 minutes for delivery; ground courier, one departure time, 14 hours. A bus provides one departure, 4.5 hours.

Kapuskasing is serviced by the following: NorOntair provides two departure times, with 1.5 hours for delivery. A ground courier provides one departure time, with 16.5 hours. A bus provides three departures, with 25, 14.5 and 11 hours for delivery.

It should be noted that at this time refrigerated blood products must reach their destination within 24 hours from the time of packaging at the blood centres.

As indicated by the above, air transportation is the most expedient method for blood delivery to these communities.

I've also included two charts, and the charts basically outline the transportation schedules themselves. The second chart is an outline of the usage of either air or ground from November to date: the number of times they were used, the number of blood products that were transported.

The Acting Chair: That is the extent of your presentation. Now we'll have time for questions. You can have about seven minutes each, starting with the third party.

Mr Gilles Bisson (Cochrane South): In fairness, I just walked into the room and to try to ask a question on it—

The Acting Chair: Perhaps we'll give you time to go over the presentation. We'll start with the government side with questions on the Red Cross.

Mr O'Toole: Thank you for your presentation and for taking the time to come down. It's a component of the service that I hadn't really thought about. So it's very important.

Is there a great deal of frequency of this kind of service; meaning, are there other testing facilities for primary kinds of blood work in the area?

Ms Rivet: No. Sudbury services all of northeastern Ontario.

Mr O'Toole: It's all out of Sudbury.

Ms Rivet: The closest centre other than us is Toronto, but Toronto does not supply our area.

Mr O'Toole: So it's done kind out of Sudbury then for everything.

Ms Rivet: Yes.

Mr O'Toole: Are there technology changes? You're a technologist, I guess, a lab person there.

Ms Rivet: Yes, I am.

Mr O'Toole: Are there technology changes? I'm not trying to get off the subject here, but are there other alternatives today for doing that kind of thing, interactive computer things and—

Ms Rivet: For blood transfusions?

Mr O'Toole: Not transfusions, no. Not hard blood; I don't mean that. Testing.

Ms Rivet: Alternatives for what?

Mr O'Toole: The testing; the technology for the testing that may be done with blood or blood tests. Not to your knowledge, eh?

Ms Rivet: I'm not sure I understand the question.

Mr O'Toole: If you're testing blood for other than transfusion purposes, for disease or infection, are there other technologies available today, other than the pure hard sample going to Sudbury?

Ms Rivet: We collect the blood in the Sudbury area, we test it in the Sudbury area, and with that, we also service all of the area hospitals. The testing that we do is strictly testing required for transfusion purposes. That's the only kind of testing we do.

Mr O'Toole: Good. The last question I have is, could you use Bearskin or one of the other companies as part of their commercial—

Ms Rivet: Time is probably our most critical concern.

Mr O'Toole: Yes, the 24 hours.

Ms Rivet: We only have 24 hours, as shown below or in an emergency. If you look at my chart on the other side, it does get used routinely for emergencies. For example, in Timmins, I've listed here only situations of emergencies. They don't use it at any other time, and there were four in November, two in December, one in January and one in February.

Mr O'Toole: Yes, I understand. Very good.

Mrs Ross: Thank you very much for your presentation. I just have one simple question, basically: I understand the need for quick delivery to get the blood from wherever it is to Sudbury, and my question is, if that service could be supplied with another carrier, would it matter?

Ms Rivet: No.

Mrs Ross: That's my only question.

Mr Gravelle: Good afternoon, and thank you very much for coming down here. I think the important point you can't make strongly enough is that it truly is a matter of life and death frequently, a situation in terms of blood and blood transfers. In other words, the timing is everything.

Ms Rivet: Yes.

Mr Gravelle: I think we need to reinforce that. I think one of the objectives we have today, obviously, in terms of studying the whole review of the process is to let people understand what exactly the needs are in the north, one of them being this one. I think probably the government members—even one or two have mentioned they weren't aware that this was part of the service that was provided.

Have there been any discussions that the Red Cross has been involved with that you know about in terms of an alternative, in terms of the fact that norOntair is

scheduled to cease as of March 29? Have there been any discussions that you're aware of?

Ms Rivet: No.

Mr Gravelle: Are you aware that the minister is going to be in Sudbury tomorrow meeting with some municipalities, I believe?

Ms Rivet: No, I was not aware.

1510

Mr Gravelle: So you haven't been invited. You or the Red Cross have not been invited to that meeting.

Ms Rivet: No.

Mr Gravelle: It might be useful to see if you could be at that meeting, because obviously that's an opportunity to meet with the minister, who is going to be there tomorrow.

By breaking it down even in terms of the transportation alternatives, the fact is, if plane service ceases, and not to put too dramatic a point on it, we're looking at a situation in emergency situations where people could lose their lives if they're not provided with this service. Is that too dramatic? I don't want to do that just for dramatic purposes.

Ms Rivet: No. But on my chart the instances that I have stated, the numbers in November—

Mr Gravelle: Those were emergencies?

Ms Rivet: In the communities of Timmins and Kapuskasing, those are emergencies only. That meant that there was no other transportation that could get it there fast enough. Anything else was not adequate.

Mr Gravelle: What would happen if they didn't get there?

Ms Rivet: If they had an air ambulance, they would probably be getting the patient out of there, because there would be just no way.

Mr Gravelle: Again, I think this is an example that we see so often, which is a need to educate this government in terms of the fact that the distances and the isolation and the needs of the north are so much different than they are in the south. I appreciate that some of the members opposite have spoken to me about their desire to understand that, and I hope that they will follow through on that and recognize that this is something that needs to be dealt with in terms of the transfer of blood product. It has to be treated as a priority, and I would hope that there will be some solution that will come forward. I would think that the minister, being in Sudbury tomorrow—are you going back to Sudbury yourself?

Ms Rivet: Yes.

Mr Gravelle: I would hope that you could be included at some point in that discussion when the minister is in Sudbury tomorrow.

Ms Rivet: I would like to. I would just like to reiterate the one fact about the road closures. That is a reality in the north, and for blood product delivery, if the roads are closed, even if we have ground transportation, it's not an option.

Mr O'Toole: May I just follow through on that?

The Acting Chair: You'll get your time again. The third party.

Mr Bisson: First of all, just so that you know, I just came in from Sudbury.

Ms Rivet: Was your flight delayed as well?

Mr Bisson: No, I drove actually. I didn't have the ability to fly this morning. We were up there on committee work yesterday, and I'm down here for some other work that needs to be done.

Anyway, just by way of background, just so that government members understand, I think the point that you make in regard to the road closures is something that really they need to understand, that this is also made worse by the reason that snowplowing has been cut back by the Ministry of Transportation and does represent an even a greater problem in northeastern Ontario and northwestern Ontario when it comes to being able to get through.

Being that Timmins is the place that I call home and it's probably one of norOntair's major points, we're going to see in the community of Timmins, obviously, an effect when norOntair comes out. But I don't think people really understand the medical side to this, because there's not just a blood product issue, which is also serious; there's the question of what happens in northern communities like Hornepayne or communities that are serviced by norOntair that have no other option when it comes to airline services and probably won't be picked up by private sector carrier when it comes to doing locums and bringing specialists into those communities, in some cases physicians to do locums in order to take up the slack that needs to be taken up because no physicians are available in some of those communities for much of the time.

I'm just wondering, through your work in the Canadian Red Cross, if you can maybe shed a little bit of light and a little bit of explanation so that government members understand that if there's no air service out of Hornepayne, that means there are no specialists of any kind who will go into that community in order to do the kind of medical treatment or diagnosis that needs to be done, which means to say it's going to cost you money to get those patients out, to get them back out to Timmins or Sudbury or Toronto in many cases.

The other thing you can comment on is what it means when it comes to family practitioners as well, because in many of those communities, again, they tend to have a very big difficulty, as you well understand, to keep their family practitioners, and the only way that we're able to cover them off is to attract practitioners from other communities to go in on a locum. One of the things that attracts them is the ability to be able to fly into that community. They don't want to be out in the middle of nowhere with a 16 or 18-hour drive to get back to wherever home might be, either Toronto or London, and air service is an important part of that.

I wonder if you can comment on those particular points, the specialists and the family practitioners.

Ms Rivet: We probably wouldn't deal with the family practitioners as much, because when it comes to the transfusion aspect the chances are you're dealing with a specialist anyway because the patient is fairly ill. I have handled numerous phone calls from physicians who are considering going to service some of these communities, and when they call me, what they're asking me is, "Will

you be able to supply me and make available to me," whatever blood products they may be interested in for whatever it is they're setting up. They're looking for us to be able to supply these blood products in a timely fashion.

Some of the blood products we have, as I say, have a 24-hour limit for transportation. If I tell him, "It takes me 24 hours to get it to you," after that, what happens if it's delayed 10 minutes? What happens if it's delayed half an hour? I do get calls from physicians who ask, "How can the Red Cross supply me if I'm in this area?"

Mr Bisson: That's the point I want to make with the Red Cross, that all of this is very integrated, that it's not just a question of being able to get the specialists in there, it's a question of being able to provide the services to the medical community that need to be done to support the medical needs of the community itself.

What flows out of all this is that I don't believe that in the end all the communities presently served by norOntair will be picked up by private aircraft carriers. It's just not economical in some places. The economics aren't there to support an airline going in there and landing aircraft on a regularly scheduled basis.

I figure there are anywhere from five to nine communities that will be left high and dry. What do you do when it comes to being able to move blood products out of that community for testing in your regional lab? If you can't get any air service, what happens to those communities and their—

Ms Rivet: That's one thing: We don't use the air service to transport samples back to the centre to be tested. We have mobile clinic teams that go out to these communities to collect the blood and bring it back ourselves. Therefore, we don't use the air in that aspect, not for testing purposes; we use the air service for blood product delivery.

Mr Bisson: The same question applies. If there are five to nine communities not picked up by private air carriers, what happens to your blood products that you're trying to deliver to those communities?

Ms Rivet: They wouldn't make it there. We probably wouldn't ship them. They would have to get the patient out of there. That would be the option. If we can't get the blood products to the patient, the patient has to leave.

Mr Bisson: Is that more expensive, in your mind, than trying to get the blood product in?

Ms Rivet: I wouldn't know.

Mr Bisson: If you're sending the blood product in to Hornepayne, let's say—

Ms Rivet: If we're sending a blood product in, we're paying basically for a box or two boxes. I don't know what it is to transport a patient. I would assume more.

Mr Bisson: It comes back to the point that there's not a whole bunch of common sense when it comes to that type of approach. I just want to remind members that the reason the Conservative government years ago put norOntair in place was because the private sector was not picking up the service in those communities. The Conservative government of the day said, "We need to make sure we're able to provide fair access of service for those communities in northern and northeastern Ontario, all over, that are having difficulty getting air services into their communities." If left to the private sector itself, if there ain't no money, why would anybody go into that community to provide the service? That's just the basics of economics.

I thank you for your presentation. I wish I could have been here for it myself. Unfortunately, roads coming in from Sudbury were a little bit slippery with the weather last night, so it took me an extra hour and a half to get down here, but I want to thank you none the less.

Mr O'Toole: Just to follow up, if I'm not taking unnecessary time, does road and weather play a significant factor in health care generally, not just blood care, in the north?

Ms Rivet: Yes, it does.

Mr O'Toole: Is there any relationship between weather, ie, fog, snowstorms, that would inhibit aircraft activities? Isn't there some implication not just to roads; generally the airports are—

Ms Rivet: I would imagine that yes, what you're saying is true. If there's a storm, it could affect the planes as well, but wouldn't you like to have a choice? If your choice is ground or ground, you're up shit creek. If you've got at least a choice to fly it out, if you're the one—

Mr O'Toole: I hear you, I understand.

Ms Rivet: We already don't have many choices. It's not like we even have 10 flights a day. I don't know if you noticed, the ground transportation, the point I was trying to make, I don't know if it came across clearly—

Mr O'Toole: Yes, you did.

Ms Rivet: —there's only one departure time, so if you want the blood an hour after the departure time, too bad.

1520

Mr O'Toole: Without taking too much time, I want to get a better understanding. I guess the other thing is, when you're transferring and you told me—my first question to you really had been about the testing. There is mobile testing. That was the point I was getting to.

Ms Rivet: No, it's not—

Mr O'Toole: They must have some kind of mobile testing.

Ms Rivet: We're talking about blood donor testing. It's all performed—

Mr O'Toole: Where they accept the blood. But if you're talking about transferring whole product blood—

Ms Rivet: Blood components.

Mr O'Toole: Whatever—you're basically talking about, can hospitals maintain a certain storage? What's the shelf life for this stuff?

Ms Rivet: Different products have different shelf lives, some as low as 24 hours to as long as a year, depending on the component you're talking about. If you happen to be talking about the one for a year, you're probably not going to get into trouble.

Mr O'Toole: I'm really trying to get to the point that I think you can manage some of this stuff. I don't think a normal, intelligent health provider would risk a patient by having them in a location at a time of year for what normally would be voluntary elective surgery, other than in Sudbury.

Mr Bisson: People get hurt and they need blood.

Mr O'Toole: If there are emergencies—

Mr Wildman: What part don't you understand?

The Acting Chair: Mr O'Toole has the floor.

Mr O'Toole: I'm really just trying to say that air is not perhaps the most reliable, dependable service in a health care situation. I'd say that—

Interjection.

Mr O'Toole: No, Gilles, or Mr Buffalo, pardon me.

Mr Bisson: Close enough.

Mr O'Toole: Technically, wouldn't you transfer the patient to Sudbury, where there are complete facilities? I wouldn't leave them at the end of a runway if there could be a snowstorm.

Ms Rivet: But many of the medical situations that would require massive amounts of blood and blood products are accidents or unplanned things.

Mr O'Toole: Wouldn't they transfer the patient?

Ms Rivet: You would have to stabilize the patient, number one, before you could transport them, and chances are you would use up what you had in stock, because all of our hospitals do stock blood products. They would stabilize before they would transport.

Mr O'Toole: It's really for me to understand, but if I go back to what you're telling me, you said there were scheduled flights. If you missed the flight—

Ms Rivet: Yes.

Mr O'Toole: What if after that flight there's the accident? They get the patient to the facility; they don't bring the blood to the side of Highway 17. Anybody who thinks otherwise isn't thinking about the safety of the patient. That's the truth.

Mr Michael Brown: Just keep talking.

Mr Bisson: I'm sending that Hansard all over northern Ontario.

Mr O'Toole: You should, Gilles.

Mr Bisson: The part you don't understand is that people work in northern Ontario and they get injured and blood is not available and it has to be shipped in from somewhere. How are you going to get it if you don't have scheduled flights going in?

Mr Leadston: I appreciated the opportunity to hear your presentation. You've provided a level of information I didn't have before. But I have a sense here, particularly from my learned colleague who has set a tone of death and dying and doom and gloom, and I'm sure that's not the information and the image you're trying to portray on behalf of the agency. Do you have statistics available where there has been a death or deaths as a result of not being able to provide a blood product?

Ms Rivet: No.

Mr Leadston: So there isn't anything available? I want to put it into perspective.

Ms Rivet: Like I say, what would normally happen is decisions would have to be made quickly, but they would not leave the patient there. It is highly unlikely in today's age for someone to die because of no blood products. What they would do is bring the patient to the blood products.

The Acting Chair: The time has expired. Thank you very much for coming. I appreciate your coming from Sudbury. It's really helped to explain the importance of the Red Cross and blood delivery.

SUBCOMMITTEE REPORT

The Acting Chair: There's a report from the subcommittee in front of you, the standing committee on government agencies, Wednesday 21.

Mr Bob Wood: I'd like to move that the reading of this report be dispensed with and that the report be adopted.

The Acting Chair: Any discussion? All in favour? That carries.

Mr Michael Brown: Mr Chair, seeing as we have the representatives of norOntair and the ONTC here right at this moment and we had limited time to talk to them this morning, is it possible that we can use some of the committee's time this afternoon, that we have this resource in front of us?

The Acting Chair: You need unanimous consent for that, Mr Brown.

Mr Michael Brown: Then we could ask for that.

The Acting Chair: Is there unanimous consent to hear from the officials from Ontario Northland Transportation Commission?

Mr Leadston: Unfortunately, Mr Chair, I have another commitment and I have to go. I certainly have no objection to an informal meeting with them, but unfortunately we can't continue with the formal session.

The Acting Chair: So there isn't unanimous consent.

Mr Michael Brown: Let the record show that the government refused.

The Acting Chair: The committee stands adjourned.

The committee adjourned at 1527.

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*Ross, Lillian (Hamilton West / -Ouest PC)
*Wood, Bob (London South / -Sud PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Miclash, Frank (Kenora L) for Mr Bartolucci
Colle, Mike (Oakwood L) for Mr Crozier
O'Toole, John R. (Durham East / -Est PC) for Mr Ford
DeFaria, Carl (Mississauga East / -Est PC) for Mr Bert Johnson
Wildman, Bud (Algoma ND) for Mr Laughren

Also taking part / Autre participants et participantes:
Brown, Michael A. (Algoma-Manitoulin L)
McLeod, Lyn (Fort William L)
Ramsay, David (Timiskaming L)
Bisson, Gilles (Cochrane South / -Sud ND)

Clerk / Greffière: Manikel, Tannis
Staff / Personnel: Pond, David, research officer, Legislative Research Service

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Jeudi 7 mars 1996

Standing committee on government agencies

Agency review

Ontario Northland Transportation Commission

Comité permanent des organismes gouvernementaux

Examen des organismes gouvernementaux
Commission de transport Ontario Northland

Chair: Floyd Laughren
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thursday 7 March 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Jeudi 7 mars 1996

The committee met at 1010 in room 230.

AGENCY REVIEW

ONTARIO NORTHLAND TRANSPORTATION COMMISSION

The Vice-Chair (Mr Tony Martin): Good morning. I suggest we get rolling here, given that we want to make maximum use of the time we have to look at this important agency and give people a chance to ask some questions.

TOWN OF ENGLEHART

The Vice-Chair: The first presenter today is Bettyanne Thib-Jelly, from the town of Englehart. We thank you for coming. Please make yourself comfortable. Normally, there's a pail of water in front so you can have a drink if you get thirsty, but since the OPSEU strike there's no water. But there are juices and things.

Mrs Bettyanne Thib-Jelly: If there isn't water, I'll just have a juice. That will be fine.

Good morning, Vice-Chair and members of the standing committee on government agencies with respect to the ONTC. I would like to take this opportunity to introduce you to my associates from Englehart: Harvey Middaugh, who has 40 years of experience with the ONR, CNR and Via Rail; and Allan Bowles, the president of the chamber of commerce from Englehart. We travelled to Toronto on the Northlander yesterday, and we wish to praise its excellent service. We hope to catch it again at noon today on the way home.

I'll go over what's in your folder real quickly. You'll find copies of a letter from the Temiskaming Municipal Association. I'm chair of Temiskaming Municipal Association and also an executive of FONOM. We have a motion letter from the township of Chamberlain supporting our views, and a community profile of the town of Englehart.

What is Englehart's role in this all-encompassing picture? Englehart is a railway town that is proud of its history and its founders. We believe the ONTC is a development road for the north and is dedicated to the north's wellbeing. We believe we can help the decision-making process, and I have started this by creating a mayor's task force about the ONTC as it relates to rail operations. We believe the community should be involved in the decisions, and when there is a major impact planned in some community or another, the commission has a responsibility to involve the municipality. We understand that the ONTC has the responsibility to rightsize its operations. We in Englehart have made this commitment. We will get involved and ensure that all the pertinent information gets to the commission, but we ask that we have the necessary vehicle to allow this to happen. There should be someone from the ONTC to sit on this task force. Given Englehart's history and understanding of the importance of rail, the commission would be enhanced with a resident of Englehart sitting as a member.

What should be done? The ONTC should develop a strategic plan for the next five years. This should be well-thought-out and involve public input. It should clearly define what its mandate is and what it should be doing to achieve that mandate. It must contain rationale for their decisions and the proposed impact on municipalities.

What are our concerns? We believe the ONTC should be rightsizing. We don't like the word "downsizing." It has only one direction. This means it should have the right amount of employees in any area to do the work efficiently. An example of this is the closing of the mechanical shops in Englehart. We understand that there are contracts out for work for Via and GO Transit systems. The ONTC should be aggressively pursuing these avenues, but we are concerned that because they are in a position of downsizing they will not pursue these contracts aggressively, thus losing them to Bombardier. Why would they not pursue them? They have just offered buyout packages, even though this work is up for bids. How do you bid jobs, knowing you need more manpower, when you've just offered many a buyout? We are strongly advising that the Englehart mechanical shop should be left open to repair the cars and the North Bay shop to do the contract work.

Decisions should be made with the knowledge of their impact on the municipality. For example, the town was told that the ONTC was going to close its mechanical shop in Englehart and reassign the 20 employees to North Bay. The impact of Englehart losing $1 million is much greater for us, due to our size. It has a great impact on our hospital, schools, real estate and businesses, not to mention the human factor.

Is the downsizing actually a cost saving? The above scenario does not represent a cost saving, as the company will still be employing the workers, paying their moving expenses and guaranteeing prices on their housing in a depressed market. The decision to downsize in the town of Englehart can only have a negative impact on the operations of the entire Ontario Northland Railway. We are the heart of the ONTC.

Let me explain. First, 13 trains go through Englehart, while three go through North Bay and two go through Cochrane. It makes sense that the bulk of maintenance should be handled in Englehart. Second, there are mines

operating presently in Timmins and Noranda which require trains to send rail cars from one mine to another. These trains are made up in Englehart. With all the trains planned to be made up in North Bay, the empty cars from Kidd in Timmins would now have to be hauled all the way to North Bay. This cannot increase customers' or operations' efficiency by carrying empty cars an extra 240 miles. When the trains are made up in North Bay, this means adding extra engines because of the heavy grade between North Bay and Tomiko. Then they use these engines again for the rest of the trip, though they are not necessary. This is not diesel efficiency.

The majority of the revenue in ONTC is earned north of North Bay. The bulk of the benefits goes to North Bay. The eliminating of Englehart as the town where the trains are made up just enhances this unjust situation, as this will lead to more jobs leaving Englehart to go to North Bay. This was tried in the 1970s, apparently, and did not work.

We are concerned about the safety of the ONTC as it continues to downsize the maintenance of way. Coupled with downsizing in signals, which can detect bad track, hot-boxes and high-water detectors, we see, as is happening everywhere else, more train derailments. We find this very disturbing, considering the number of lakes and rivers that the acid trains run by. An environmental disaster is just waiting to happen.

We are concerned about the viability of rail should the federal government discontinue its subsidy of passenger service. There is a real danger of the north losing yet another important piece of infrastructure. This would also force freight rates to go up and may threaten its operations. This would just add to the loss of air services, the threat of bus deregulations and the impending closing of our airports.

In conclusion, the direction that senior levels of government are taking make us wonder whether we will still be there. With the further disruptions in transportation infrastructure it will be hard to attract people and businesses to our area. This will lead us to a stagnant economy.

If the pattern continues, we see an increase in truck traffic on our highways, causing the breakdown of this service and the cries for four-laning highways in the north. We do not need four-laning. It already exists in rail. We need the ONTC to aggressively pursue freight and get the truck traffic off our highways. We need more people travelling the passenger train and fewer cars on the highways. This was achieved when the ONTC put on a half-price sale. The empty trains were three-quarters full. The economies of scale show it could work; if they price rail affordably, people will use it. Now you can get a limousine to pick you up at your door and drop you off in Toronto for the same price.

1020

The ONTC can be and is a very important development tool for northeastern Ontario. We must re-emphasize that the ONTC should be rightsizing, pursuing contracts that will benefit the commission; cuts, if necessary, should be made in the administration area, which seems to be spared, not in the field, where cuts seem automatic. We need the people doing work in the field, not administration adding to the bureaucracy. The commission must do long-range planning and justify the decisions. Their plan must take into effect the opportunities around them. It must look at the lifting of the caution in Temagami, the new mines, expansions in the lumber industry and Rail Haul North. It must look at all the players involved and get them together to find what helps the employer, employee and the customer economically and socially.

We thank you for your time and urge you to deliberate cautiously, as your recommendations may have a great impact on our future in northeastern Ontario.

The Vice-Chair: Thank you. We'll now move into a round of questioning. We have about 20 minutes.

Mr Bob Wood (London South): Perhaps I can open the questioning, Mr Chair. Your community obviously has given a lot of thought to this and you obviously have a lot of community-minded people who want to make a difference for the community in the region. Have you approached the commission to work with them on some of these issues? Do you have a working relationship with them now?

Mrs Thib-Jelly: Not yet, but we've started up the mayor's task force and we have requested communication with them, yes. That was just last week we had the meeting.

Mr Bob Wood: We do have the chair and president of the commission here today, so if you had a couple of minutes afterwards, I don't know whether these gentlemen would be available. One of them says he is, but I can't see the other, so I don't know.

Mrs Thib-Jelly: They're both nodding.

Mr Bob Wood: I hope you might accept their invitation to take a few minutes with them to get this process going, because I think it's very important that they understand your concerns and vice versa. I know it's early to find out what they're saying and what your concerns are and what can work and what cannot. I'd like to get a bit of a feel from you on, to what extent do you see the government putting subsidies into the commission? Do you think they should be big, little, none? Have you given any though to the level of subsidy you think would be appropriate?

Mrs Thib-Jelly: I think big.

Mr Bob Wood: Okay. I know it's premature to ask you more than that, because you really haven't worked with them to see what the numbers are and so on.

Mrs Thib-Jelly: They would probably have to look at their numbers etc and do a study. We haven't done any studies, but we plan on doing that with the mayor's task force; we want to do an impact study for economically, socially etc and then probably work with the government from there. I was being facetious when I said "big," or greedy or something.

Mr Bob Wood: I realize it's a premature question because you haven't seen the numbers and worked with them. Could I probe you any more on your thought on that? I gather you think there should be some subsidy from the government of Ontario to the commission?

Mrs Thib-Jelly: Yes, I do.

Mr Bob Wood: If in fact you were able to see the level of service you want without a subsidy, would that

be a problem? You would not have a problem if a solution came forward that didn't require a subsidy and gave you what you want? You want the subsidy because you think that's needed for your community to develop the way you'd like it to develop.

Mrs Thib-Jelly: I think it would probably work better if we had a subsidy. The mechanical shop we have there now employs, what, about 17, Harvey? But if they make progress and get more bids and more jobs, probably there would be more action at the shop in Englehart, so I would think money put into that shop would benefit.

Mr Bob Wood: Would your ultimate goal be to get out of subsidization entirely so you're able to compete on all fours with everybody else? Is your goal to get out of subsidization or would you see the subsidy as being permanent?

Mrs Thib-Jelly: How long have we had it, Harvey? Subsidization has been there for—

Mr Harvey Middaugh: From the beginning.

Mrs Thib-Jelly: With the passenger service it has, and I think the freight is operating on its own. I think the freight is what's really keeping your railway hopping, but the passenger train is still an important part of the north.

Mr Bob Wood: Ultimately would you see it as more desirable for you to have a permanent subsidy from the government of Ontario for the commission or would you see it as more desirable that the thing be self-sustaining, that the entity doesn't require any money from the government of Ontario?

Mrs Thib-Jelly: If it could be self-sustaining, probably ultimately that would be the best way to operate, yes. But I don't think that could happen. I think you do need that subsidy to operate.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): Good morning, and thank you for your presentation. What indication do you have of federal subsidy? Have you been getting some?

Mrs Thib-Jelly: Yes, but I see a cut to Via Rail in the paper this morning, so that's debatable also.

Mr Fox: To better understand this, Englehart is really the hub of the rail system?

Mrs Thib-Jelly: We see it as that, yes, because we're the middle point between North Bay and Cochrane, and Englehart always was the central location where they did all the repairs etc to the trains. We have 13 going through, so obviously we're the ones who should be doing the repairs.

Mr Fox: You haven't indicated to us how many jobs are involved here.

Mrs Thib-Jelly: Approximately 20 jobs, but they're just relocating, they're not being cut. They're being relocated to North Bay, so we don't see that as a saving. That was our point.

Mr Fox: Good point.

The Vice-Chair: We'll move to the Liberal caucus.

Mr Michael Gravelle (Port Arthur): Good morning, and thank you for coming down today. I want to actually focus specifically on the issue that I think has the most impact, literally, the closing down of the maintenance yards in Englehart, the 20 jobs being relocated to North Bay. The argument you make is that it doesn't make sense, based on the fact that the jobs are going elsewhere. In your brief, you make it very clear that there is a really good argument that moving the jobs to another location, particularly North Bay, actually will be less efficient. Can you explain that to the committee in some detail, in essence repeat that and make us understand very clearly that the loss of jobs—let alone the impact it obviously is having on your community, which is profound.

Mrs Thib-Jelly: As I mentioned, they were going to make up the trains that will be going to Timmins in North Bay, so that obviously means another 240 miles of travelling on the track. And suppose you have a breakdown in Iroquois Falls and the train has to have repair; if you have nothing in Englehart to go up there to do any repairs, they have to go all the way to North Bay, which is twice as far to take your repairman up to do any repairs.

Mr Gravelle: I think it's also important for the committee to hear just what the impact on the community means. In a town of 1,700—it's 20 jobs—the economic impact is profound. I think you make comparisons to what it would mean in larger communities. Again, can you explain for the committee what this ultimately means for a community like Englehart.

Mrs Thib-Jelly: If you look all along the line, Englehart is one of 26 communities in the district of Timiskaming. In your brief, you'll see that the TMA has supported our feelings about the closure of the shop. It doesn't just affect Englehart, you have all those 26 municipalities, Kirkland Lake, Earlton, New Liskeard, Haileybury, Cobalt. They all work in conjunction with each other, so if you have one small municipality that suffers, it's sort of a domino effect and carries on into your other communities in Timiskaming.

1030

Mr Gravelle: One of the criticisms that those of us in opposition and I specifically have is the lack of consultation on all the decisions that are made affecting northern Ontario. Obviously, we feel a great deal has been taken away from northern Ontario. I think it's important to ask you formally, was there any consultation in any form before this information came to you in terms of a decision? Did anybody come to you as mayor or to anybody in the community and say, "This is what we're thinking of doing, and we would like your thoughts on it"?

Mrs Thib-Jelly: No. I was away at the time. It was February 14. I was away on holiday.

Mr Middaugh: Valentine's Day.

Mrs Thib-Jelly: Valentine's Day, right. When I came back, the announcement had been made. There was no consultation with council. The deputy mayor was taking my place, and there wasn't any consultation.

Mr Gravelle: That's what's astonishing, to make decisions that are going to have such an extraordinary impact on a community, obviously decisions you have every right to be a part of because of the extraordinary impact, particularly as the government continues to maintain, as it did in its campaign document and everything else, that it was going to be increasing consultation in northern Ontario. There are many examples of it, but this is one particularly frightening one, because the impact is so profound.

Mrs Thib-Jelly: That's why we're excited about setting up the mayor's committee. I think we would be able to get some input if we were able to get representation on the commission and then someone from the commission to sit on our committee, and we could have some dialogue. We see that we could have some input.

Mr Gravelle: Obviously, you've done absolutely the right thing in terms of the task force. I'm glad you'll have an opportunity to have some time to talk to the president and the chair of the board. The unfortunate thing is that it shouldn't be something you have to pull together afterwards. You should have been encouraged to be involved. There's no question you should have been asked about it in advance. It's something that is, in essence, inexcusable.

Mrs Thib-Jelly: I think we'll request possibly a six-month waiting period so we could maybe dialogue and make some improvements.

Mr Michael A. Brown (Algoma-Manitoulin): I certainly appreciate you coming down today. This is an issue we haven't heard a great deal about in this committee to date, talking about the rail operations, really the heart of Ontario Northland's operations, at least in terms of size of revenues and number of employees and all that sort of thing.

I'm going to pick up a little bit on Mr Gravelle's point. I have some sympathy for the board of Ontario Northland and the decisions they're making, because the same thing that just happened to you happened to them: The government, out of nowhere, without any consultation, decided to cut subsidies to certain things and pretty much directed Ontario Northland what they were to do and put them in the position where they were going to have to make some decisions very quickly about the economies of the smaller towns and places in northern Ontario. That is something I worry about a great deal, representing a riding which is basically small-town northern Ontario.

As we look at the impact of 20 positions in Englehart, that is an extraordinarily hard thing for a small community to accept. It will have a huge impact on the way you do business, far greater than at Sudbury or at North Bay or at Timmins or at Thunder Bay; this is a huge component of your workforce. It will no doubt have some effect, I gather, on forestry operations, the shipping of those products out. Have you got to a point where you understand what the multiplier effect of this might be to the town, or is the committee still working on that?

Mrs Thib-Jelly: We haven't. We just picked a round figure of $1 million, but probably it would be higher.

Ms Shelley Martel (Sudbury East): Thank you very much to the delegation for coming on the Northlander. I suspect you're okay to get home. Probably next year, though, when the second round of cuts hits ONTC, you won't be riding on the Northlander because it won't be there. I suspect that's the next big thing that will be going down the drain in northern Ontario.

Let me follow up from where Mr Brown was trying to put into context where the ONTC finds itself. While the decision made directly affects you and you're very unhappy, I'm not sure they've been given much choice themselves by the Tory government.

On November 29 the Tories announced that $10 million would be taken from ONTC. That represents fully two thirds of the whole subsidy they now get from the province to run all the services that have to be subsidized. All of a sudden on the 29th they're operating with two thirds less than they had been, which I think has caused some decisions to be made which made you unhappy and other northern communities unhappy, but which in fact are the fault of the Tory government. You were talking about what the impact would be, that you're trying to work on that. Don't you think it would have made a whole lot more sense if the government had looked at some of those things and done some of that work before, rather than just cutting the subsidy and letting the chips fall where they may?

Mrs Thib-Jelly: Maybe we still have to look at the whole picture. When you have a house to run, you have to do your cutting, and I suppose you can't show favouritism. I would hope that even with this cut they can look at getting after and obtaining contracts for their freight and to look again at the passenger service, and maybe through the buyout they are having they might be able to take a second look at these obvious job losses. I don't think it's a fait accompli; we still have time to take a second look.

Ms Martel: And that would be your hope, that the ONTC can do that, even knowing that the government is not going to give them any more money so they're going to be operating with two thirds less.

Mrs Thib-Jelly: That's my hope. I'm a hopeful person.

Ms Martel: Let me ask you about subsidies, because you are also impacted by the decision on norOntair. Luckily for your community, you have a private sector carrier that appears to be wanting to come into that community. If you were in the position, though, of Gore Bay and Hornepayne and the three others that right now have no other private sector carrier interest and will lose service at the end of March, would you not think that subsidy would be pretty important to continue, to make sure your community, if it were in that position, would still have that service?

Mrs Thib-Jelly: Yes, and if I came from one of those places I would maybe come down and make a presentation to maybe take another look at it. I don't think when people make decisions it has to be an absolute final. You can always look around a little and see if there's something else you can do to alleviate the problem.

Ms Martel: Do you have any indication from Air Creebec about whether their fares will be the same as norOntair fares are now?

Mrs Thib-Jelly: I don't have any indication.

Ms Martel: And do you have any indication from them at all of how long they're going to operate the service in the community? Have they given any time commitment?

Mrs Thib-Jelly: No, I don't.

Mr Bud Wildman (Algoma): Thank you for your presentation. Mr Chair, the mayor indicated that she didn't think there should be favouritism involved when you're making cuts. Have you contacted the MPP for Nipissing to ensure there's no favouritism for North Bay?

Mrs Thib-Jelly: For Nipissing? I haven't contacted him, no.

Mr Wildman: Just to make sure there's no favouritism in these cuts for North Bay.

Mrs Thib-Jelly: Well, no. We didn't think of that.

The Vice-Chair: Thank you for coming. Your being here has been most helpful. We hope you have a safe return on the Northlander and that you enjoy it, because we don't know how long it will be there. Is that what we're being told?

Mrs Thib-Jelly: Thanks a lot.

The Vice-Chair: We're supposed to stay neutral here in the chair.

1040

BEARSKIN AIRLINES

The Vice-Chair: Our next presenter is Mr Harvey Friesen from Bearskin Airlines. Welcome, Mr Friesen.

Mr Harvey Friesen: Ladies and gentlemen, good morning. Thank you for asking me to come down this morning. I'll try and be brief with my presentation and allow adequate time for questions.

My name is Harvey Friesen. I'm from Sioux Lookout in northwestern Ontario, a community that has never had subsidized air service. I'm the president of the company and I've been with the company now for about 26 years. I joined the company in 1970 in a northern reserve, Big Trout Lake, where we operated two Cessna 180s on floats and skis and we had no airstrip. That was it for air service.

During breakup and freeze-up we were basically isolated. We managed, we survived and we now have airstrips right through the north and it has made a significant difference, we're happy to say. We've expanded from the two-airplane charter service to a scheduled service, as well as charter and we now have about 22 airplanes on regular sched and charter service.

We service areas from the Hudson Bay to the north, into Manitoba, Winnipeg and as far east as Ottawa. We were running into Minneapolis for a short period of time. However, we terminated that service when Northwest Airlines decided to take over. However, we have been operating sched service now for about 15 years, or actually 16 years. We started our first sched in 1977 and that was from Big Trout to Sioux Lookout with a small twin-engine airplane and basically applied for licences and grew from there.

We have been running competition to norOntair on many routes in northwestern Ontario, and we were also a contractor at one time for norOntair and ran the Twin Otter service actually with the maintenance contract and the pilot contract. This was terminated not too long ago. We basically added service in the area and our contract was terminated and the Twin Otters were removed and taken to Sault Ste Marie.

However, the communities haven't really felt a decline in service other than a few that we felt we could not go in and sustain the service that had been given by norOntair. We don't operate on a subsidy. We've been on our own, and although we are looking at getting a subsidy, the government has asked us to go into Atikokan and with the town and the local community they feel it's important that they have it. I understand that we've reached an agreement with ONTC where we're going to service them and try and build a service and maintain it, if possible.

The norOntair mandate was originally set up to provide air service to remote communities where private services were not viable. Over the last 15 years, private sector carriers, including Bearskin Airlines, were ready and willing to step in. With the cost reduction required by the province, it seems only sensible to eliminate a subsidized service that duplicates private enterprise. We feel that this is the best time to hold norOntair to its mandate; norOntair did serve its purpose. It promoted air travel and helped build air service to the communities in northern Ontario which it served.

Following the termination of norOntair, Bearskin Airlines and other private carriers will provide service for 14 out of 17 communities presently served by norOntair. Only Chapleau, Hornepayne and Gore Bay will be without immediate replacement air service. Of these three communities combined, the total norOntair tickets purchased amount to less than two passengers per return flight to each community. Some of these communities have had subsidized norOntair air service for 10 years or more and yet the passenger traffic has not grown and cannot support air service today without a subsidy.

There would be various reasons that this would happen. One would be perhaps rail access, road access or the cost of the air service itself, but the fact remains that at the current level of traffic the communities cannot support a private enterprise carrier at these levels.

Is that necessarily bad? We don't think so. A vast majority of towns in Ontario cannot support air service. Terrace Bay, Ear Falls, Rainy River, Kitchener, Guelph, there are hundreds of communities in Ontario that do not and cannot provide air service and can we subsidize all of these?

In some cases, the drive to these airports from these communities is less than what some people near Toronto or southern Ontario do to commute to work each and every day. An hour to an hour-and-a-half drive, as I understand, is not uncommon here in Toronto to go to work and that is all that the drive is to these people.

The termination of norOntair in our eyes will allow savings of annual subsidies currently provided, will allow the selling of norOntair assets which could go to reduce the deficit and they can strengthen the private carriers providing a better revenue stream to the government by the carrier and its employees.

Private enterprise carriers have adjusted frequency of service to ensure demand has been met and Bearskin stands poised to adjust their frequency, should the marketplace and economy demand it. Bearskin applauds the government on this decision and firmly believes it is on the right course with norOntair.

That pretty much concludes my presentation. I'd like to thank you again for allowing me to be here.

Mr Frank Miclash (Kenora): Harvey, thank you very much for coming down to Toronto to make your presentation. To begin with, I have to say that besides yourself in this room I'm probably the second most frequent flyer

of Bearskin. As a pilot myself too, and as somebody who's been kicking around airplanes since I was 15 years old, I have to comment on the service, the efficiency, the safety. When I get on an airplane, I look at the tires before I get on it, believe it or not, and take a quick look around before I get on. As I say, from the past nine years using this service, first of all, I just want to put on the record that I've been very pleased in using it.

As well, it's been nice to watch a corporation grow in the riding and, as Harvey has indicated, the services from both Thunder Bay and Sioux Lookout—Sioux Lookout is the second-smallest community in my riding of the four major communities, and to have that service there and the maintenance there and to watch it grow too has been a plus for me.

Harvey, you were saying that you're going into Atikokan and you're going to try to create a service that's going to be there, stay there. What are some of the things you see that you will need in the future to ensure Atikokan retains that service?

Mr Friesen: Basically all we need is traffic. If we get the support of the people and the traffic to warrant and justify the air service, that's pretty much all we need. We can of course use the help and assistance of the town to keep the costs of going into Atikokan down. That's of course vital. We, like any other business, have to adjust our costs depending on our expenses and that's basically it. If we can remain viable in there, that's our business. We want to continue to go in there, provide a good service and grow.

1050

Mr Miclash: What role do you see the provincial government playing in this?

Mr Friesen: Basically, the support of the airport. The airstrip and the nav aids I understand are being turned over to the federal. The airstrips are being privatized. However, MTO at this point I believe is maintaining the airstrip; basically, ground services to support air traffic.

Mr Miclash: So you see that as being a responsibility of not only the federal government and the municipality, but the provincial government to help out in those areas as well?

Mr Friesen: Yes, I believe so.

Mr Michael Brown: Good morning. I've also been impressed by your service. My questions will relate to the viability of the routes. I represent Elliot Lake and Gore Bay, and I understand the frequency of especially Gore Bay is not likely to sustain a private carrier. We have seen over time I think three carriers that in my recollection come and go, trying to provide service to that small community. We've also seen in Elliot Lake's case a number of carriers come and go. You're a businessman, and a good one; it's grown, your business. I just wonder how long you're going to give the communities a chance to show profitability, because some of these routes are marginal. I understand that. That's why norOntair was there in the first place. Do you foresee in the long haul you'll be in all these communities?

Mr Friesen: It's really hard to judge the length of time. It basically depends on the support and demand that there is. Obviously, if there is little or none we won't be there very long at all. If we can get close to breakeven and we see that there is light at the end of the tunnel, we try our best to provide the service, the fares at a proper level, and market properly to grow the demand and expand it—to put a figure on that is very hard. Some communities that we've attempted to go into we've worked at for a year, a year and a half before we finally have thrown in the towel. Other times it's been as low as two, three months. It really depends on the future outlook, and of course this is all dependent on the economy and very much on the support of the community.

Mr Wildman: Thank you very much for being here. I've flown on your aircraft around the north and I know of the service that you provide. I'm interested, though, along the lines of questions that were being raised by Mr Brown. You said you support the government's decision to eliminate subsidized service that duplicates private sector service, and I can understand that position. You went on to say, though, that you believe 14 out of the 17 communities currently served by norOntair will be served by private carriers, and then in further questioning you said there was no guarantee about how long they might be served based on whether or not they would be viable, which we all understand. You said that only Chapleau, Hornepayne and Gore Bay would be without service as of the end of this month. Are you intending to provide service into Wawa?

Mr Friesen: Yes. We made the announcement yesterday.

Mr Wildman: Oh, just yesterday. If that is the case, you're suggesting then it would be appropriate for someone in Chapleau to choose to drive either to Wawa or to Sudbury in order to get airline connections to southern Ontario or to other parts of the country.

Mr Friesen: I said it was appropriate? I don't believe I said that was appropriate, no.

Mr Wildman: You said that Chapleau, Hornepayne and Gore Bay can't support air service without subsidy—I wrote that down when you said it—and you said that you didn't think it was necessarily a bad thing because lots of communities didn't have air service and people had to drive. I would think, then, you're suggesting that people from Chapleau shouldn't complain about having to drive 90 miles one way to Wawa in order to get service or close to 200 miles to Sudbury to get to air service.

Mr Friesen: As I pointed out, many people have to drive many hours every day, and in these days where deficit and debt are extremely high, it's probably something that could be tolerated. With the good roads, no isolation, it's probably something they could do, given the fact that education cuts, health cuts are taking place. Maybe there's a better place to put the tax dollars.

Mr Wildman: Since you raised health care, that's one of my main concerns, because without regular air service, and with the cuts in subsidies from MTO to the operation of municipal airports, it seems very likely that a place like Hornepayne, which I would submit to you is somewhat more isolated than Guelph or Kitchener, as you mentioned, will be without fixed-wing air ambulance if the airport cannot continue to operate. And if that's the

case, people who are very isolated will be in a very vulnerable position in case of serious accident or heart attack or other serious illness.

Mr Friesen: The scheduled service is not utilized by the Ministry of Health for the transportation—

Mr Wildman: I understand that, but without scheduled air service and without MTO subsidy, which will end as of the end of next year, the airport may not operate, and without the airport, fixed-wing air ambulance no longer continues.

Mr Friesen: If the airport were to close, I would then say yes, that's correct. There's also the helicopter service, if that's necessary.

Mr Wildman: Yes, I recognize that.

Mr Friesen: There are helicopters based in Thunder Bay and other places in northwestern Ontario.

Ms Martel: Mr Friesen, you said earlier that you had made an agreement with Atikokan to provide air service into that community?

Mr Friesen: We have an agreement with Atikokan and the Ontario government.

Ms Martel: Right. Are you going to get a subsidy from the Ministry of Northern Development and Mines to operate that service?

Mr Friesen: That's correct.

Ms Martel: You just finished telling us that ONTC should not provide subsidies or should not provide a subsidized service into communities, but it's okay for you to get a subsidy from the Ministry of Northern Development and Mines to operate in Atikokan. Don't you see the contradiction there?

Mr Friesen: No, I don't. I had been asked to—

Ms Martel: Can you tell me why not?

Mr Friesen: Excuse me. We've been asked to provide air service, and we have said no, we cannot go in there. They have asked us to do this. We've said we prefer not to do this service because it's not viable. However, they feel it's important and they are willing to do this. So on that aspect, I have agreed to go in and provide it, not—

Mr Wildman: On that basis, Mr Chair, I think it's important that we invite a representative of the Ministry of Northern Development and Mines back to this committee to explain why they aren't offering the same thing to Chapleau, Hornepayne and Gore Bay.

Mr Gilles Bisson (Cochrane South): A subsidy is a subsidy is a subsidy.

Mr Peter L. Preston (Brant-Haldimand): So what you're telling us is that they're going to subsidize one airport, rather than all 17.

Mr Friesen: That's what I understand.

Mr Preston: That's a little better than the whole shot. You've been providing service in the north. Have you been doing it for fun or have you been making a buck?

Mr Friesen: I've been making a buck—not very much.

Mr Preston: Don't mention the word "profit," because that's a bad word in here for some people. You've actually expanded your service and made a profit.

Mr Friesen: Yes.

Ms Martel: You had some government contracts, too. Don't forget that.

Mr Bert Johnson (Perth): Your time is up.

Mr Bisson: Bert, don't be out of order. You're the Deputy Speaker around here.

Mr Preston: What will be the effect of this closure on your company? Are you going to be able to expand some more and continue to make a profit?

Mr Friesen: Yes, we hope to continue to make a profit and we have intentions to expand the air service.

Mr Preston: Shame, shame. We understand your company is committed to providing service to these communities that were previously served by norOntair. What is your actual commitment to the communities?

Mr Friesen: There are no hard commitments to the communities at this time. We have told them that we will do our utmost and we need them and their support to make it happen.

1100

Mr Preston: I hear this more often, community support. Are you telling me that if the people really want an air service in there, they can do a lot towards supporting an air service?

Mr Friesen: Absolutely. That is one of the primary areas where they can guarantee air service for themselves.

Mr Preston: Where are your maintenance facilities?

Mr Friesen: We have two maintenance facilities, one in Thunder Bay and one in Sioux Lookout, and we do have contract facilities at other locations, just in minor overnight maintenance.

Mr Preston: So an expansion of your service will mean more work in those areas.

Mr Friesen: Yes. It will.

Mr Preston: Those are all my questions.

The Vice-Chair: Any further questions from the government caucus? If not, we want to thank you for coming forward. Your being here today has been helpful.

TIMMINS CHAMBER OF COMMERCE

The Vice-Chair: I ask Mr John Bragagnolo, from the Timmins Chamber of Commerce, to come forward.

Mr John Bragagnolo: Before I begin, I just want to tell you that I did take the committee's instructions to task, so I did prepare about a 15-minute presentation and allow about 15 minutes at the end for questions.

Good morning, members of the standing committee on government agencies. My name is John Bragagnolo and I am the president of the Timmins Chamber of Commerce. Before I begin my remarks, I would first of all like to thank you for allowing the Timmins Chamber of Commerce an opportunity to make representation before you this morning at Queen's Park.

The Timmins chamber represents 470 small, medium and large businesses within the municipality, with a total voting membership of 655. Our mission statement is that the Timmins Chamber of Commerce is a non-profit, volunteer organization which represents a wide range of business and community interests. We are committed to our community and will encourage its growth by promoting business opportunities. We have always been very proactive in voicing our members' concerns with respect to local, provincial and federal government policy while actively addressing educational, civic, social and economic issues.

I am pleased to appear before this committee today on behalf of the Timmins Chamber of Commerce to share our views with respect to the Ontario Northland Transportation Commission. My intention is to give you a brief overview of the position of the chamber regarding the ONTC and how it relates to transportation and communication issues affecting northern Ontario, and more specifically the city of Timmins. Following my presentation, I would be happy to answer questions from the committee members.

Northern Ontario comprises 84% of the province's land mass. This 346,000-square-mile area has a population of only 821,000 people, which represents a mere 8% of Ontario's total population. Upon reflection on these statistics, the great challenges faced by northern Ontario relative to effective transportation and communication based solely on its sheer vastness and relatively small population base should become readily apparent. It has also become clearly apparent through our deliberations that efficient, effective and, most importantly, economical transportation and communication are key requirements essential to northern Ontario's sustainable economic future.

It is impossible to discuss transportation and communication issues in northern Ontario, and more specifically Timmins, without discussing the services presently provided by the ONTC. Likewise, it is impossible to discuss the future transportation and communication requirements of the north without also discussing the future of Ontario Northland.

Established in 1902, the Ontario Northland Transportation Commission is a schedule 2 crown agency reporting to the provincial government through the Ministry of Northern Development and Mines. The mandate of the ONTC, and I quote from their corporate material, is, "To operate a transportation and communications corporation providing services which will be in the best interest of its customers, employees, the communities it services and its owners: the people of Ontario."

The ONTC has served the people of northern Ontario well and has been a true pioneer company in the development of northern Ontario. However, the Timmins Chamber of Commerce feels the time is right for the government of Ontario to complete a comprehensive review of the mandate of the ONTC as well as its present operations to ensure that they are providing the most effective, efficient and economical services relative to an ever-increasing competitive global marketplace that businesses in northern Ontario are facing on a daily basis. The Ontario government must dialogue with the stakeholders in northern Ontario relative to these issues. It is imperative that all options are discussed and debated so that at the end of the day a workable and affordable plan regarding transportation and communications is in place in northern Ontario ensuring the sustainable future of business, not only in Timmins but throughout northern Ontario.

The Timmins Chamber of Commerce has always had a philosophical problem with government of any kind competing directly with private enterprise. While I could speak at length about this philosophical problem, I will limit my remarks just to say that we feel the role of government in today's economy is to create a climate which will encourage people to go into business, help businesses grow and attract new investment and jobs. Government should not be a hindrance to business because of overregulation, overtaxation or poor fiscal management caused by debt financing.

I will discuss the ONTC in the context of three key areas, namely, rail freight, telecommunications and, finally, a few comments relative to norOntair service and the recent decision of the government to sell off norOntair. I have chosen this context because these three areas comprise over 80% of ONTC's total revenue and they are areas that have the greatest impact to the business community of Timmins.

Rail freight: The Ontario Northland Railway network is comprised of approximately 700 miles of mainline track. The southern terminus of the railway is in North Bay and extends northward to Moosonee and Hearst with connections to CN at North Bay and Rouyn-Noranda and to CP at North Bay and to the Algoma Central Railway at Hearst. The existence of this railway allows rail freight services for the transportation of mineral and forest products, chemicals, petroleum and other products to and from northeastern Ontario and northwestern Quebec.

The rail line that is controlled by the ONR leading to Falconbridge's Kidd Creek division metallurgical site in Timmins is in many ways the economic lifeline of a very large part of Timmins' local economy, as Falconbridge is Timmins' largest employer. This rail line is the only viable method Kidd Creek can utilize to feed the met site with custom feed ore from other mines as well as to ship the copper, zinc, other metals and sulphuric acid that is produced locally for the world market.

Falconbridge-Kidd Creek is truly a world-class mining company with a vision and has always been very proactive in attaining its desired results. Kidd has worked very hard at reducing its costs in order to remain very competitive in the global market. It is finding it increasingly difficult to compete on the global front because of two main expense areas, namely, the cost of Ontario Hydro, and more specifically an area that I'll concentrate on today, the cost of rail transportation.

With Kidd Creek Mines' ore reserves steadily depleting, the Kidd Creek metallurgical site will be required to attract more custom feed to maintain their site as a viable operation for the future. For those of who you don't know what custom feed is, instead of getting ore from their own mine, they will get ore from other mines not only located in Canada but potentially elsewhere in the world, process the ore at the Kidd Creek metallurgical site in Timmins and then ship out the products from there.

Mr Bisson: Concentrate.

Mr Bragagnolo: The concentrate. Thanks, Gilles.

With the increase of custom feed materials, the costs associated with rail transportation become even more relevant.

When one compares Kidd's rail rate per ton mile for copper and zinc among rail carriers used by Kidd, namely, the ONR—by the way, Kidd Creek is their largest customer—CN-CP and certain US carriers, a grave concern rises with respect to the ONR. The ONR rail

rates are approximately two and a half times higher than CN-CP and approximately two times higher than Kidd's US carriers. This disparity in rates must be addressed by the ONR and the government of this province, and it must be addressed immediately.

All that is requested is that the business community of Timmins have a level playing field comparative to the remainder of the country. The ONR must become more competitive within its rates if it is to continue in the area of rail freight in northern Ontario so that the playing field does indeed become more level. ONR must be able to benchmark its rates with its competitors throughout the entire country.

If this cannot occur through the ONR, then the government must explore options and find a mechanism to ensure that rail rates in northern Ontario are as competitive as in the remainder of the country. One option worth exploring is to see the impact on rates if CN or CP took over the rail lines now being operated by the ONR. This option might prove not to be feasible, but is an example of the types of options that should be explored. While I concede that only certain portions of this line might be viable from a commercial perspective, the needs of the communities of the remote north that rely on rail transport must continue to be met by the government.

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As we head into the next millennium, it is imperative for Timmins to have efficient, effective and economical rail freight service to ensure the future viability of such operations as the Kidd metallurgical site in Timmins.

Moving on to telecommunications. When one examines the financial statement of the ONTC, it becomes evidently clear that this operation is the largest moneymaker for the commission. In fact, in 1994 operating income for telecommunications was $9.8 million dollars, while total operating income for the ONTC was only $8.8 million. The majority of the profits derived from this division comes from the monopoly that ONTel has relative to the long-distance service it provides from the west of Hearst to the north of North Bay, including the east coast of James Bay.

The existence of this monopoly has been a great concern to the Timmins Chamber of Commerce, as it places the business community of Timmins at a competitive disadvantage.

Many telecommunications alternatives which are available in other parts of Ontario are not available to customers in the Timmins area because of the ONTC monopoly. Consider the following two examples:

(1) In Bell Canada territory, customers can purchase their long-distance services from a number of different providers, such as Unitel, AT&T and Sprint Canada. Customers located in Timmins can only purchase long-distance services from Northern Telephone Ltd which are provided by Ontario Northland.

(2) In some parts of Ontario, customers can purchase long-distance services from a reseller, such as Fonorola or London Telecom. When a reseller applied for service in Timmins, it is my knowledge that Ontario Northland denied the request.

The mandate of the ONTC was very timely 20 years ago in the area of telecommunications. With the emergence of new technology and competition in this field, the Timmins Chamber of Commerce feels that the ONTC is no longer meeting its mandate in this regard. The need for effective, efficient and economical telecommunications in Timmins becomes a competitive necessity as a result of the large distances that must be overcome when doing business in Timmins.

Furthermore, Timmins is paying excessive and artificial rates in the private network realm for such things as computer circuits because ONTC is the only provider between the communities of northeastern Ontario. Businesses located in Timmins cannot afford less access to telecommunications than places such as Sault Ste Marie, Sudbury and North Bay. Because of the ONTC we have less access in Timmins.

We do not necessarily require better rates from ONTC, as we realize their long-distance rates are the same as the Stentor Group. This group is made up of such companies as Bell Canada, BC Tel, Sask Tel and the like. What we do require, and what we require immediately, is open competition in the area of long-distance services for Timmins. All we are asking is that we be allowed to play from the same level playing field as our counterparts in Sault Ste Marie, Sudbury and North Bay.

Historically in the area of telecommunication, competition has accelerated the advance of new technologies and reduced costs to consumers. One only has to look to the Bell story to find evidence on how quickly this can occur. When Bell was suddenly faced with competition, it advanced its strategic plans forward five years in the space of a single year to meet the new competition.

As an example of how a telephone company can thrive by embracing change and welcoming competition, one need not look further than the success story of NB Tel. New Brunswick Tel created 2,000 jobs last year by developing a world-class call centre for the province. They were able to establish this because they were able to meet the requirement of a stable, reliable, bilingual workforce. By coincidence, this is the same kind of workforce that exists in Timmins.

I believe that by allowing competition into the areas covered by ONTel long-distance services, we would see lower long-distance costs, lower computer circuit costs, improved service and more advanced technologies.

Since the long-distance service controlled by ONTel is really a mere speck in the area of telecommunications on a national basis, one option the government might want to consider is the potential selling off of this portion of ONTC in order to help get its fiscal house in order.

Moving on to norOntair. The fact that norOntair, part of the ONTC operation which required direct government subsidies, competed with and on some routes competed head to head with private enterprise, was a major concern of the Timmins Chamber of Commerce. The decision by ONTC and the government of Ontario to get out of the air service in northern Ontario at an annual saving of $5 million to the taxpayers of this province was greatly applauded by the Timmins Chamber of Commerce. The norOntair example is a prime example of how private enterprises can respond to transportation needs in northern Ontario. It is my understanding, since the announcement that ONTC was ceasing norOntair operations

effective March 31, 1996, that private enterprises have already announced that service will be continued in 14 out of 17 communities being serviced by norOntair.

In closing, I would like to say that Timmins continues to reap the benefits of a thriving local economy and major industry expansion in spite of the many obstacles, bureaucracy and government overregulation and overtaxation of our industries. The future of advances in transportation and communications will be of paramount importance in the future economic growth and sustainability for northern Ontario.

For the ONTC to remain an integral part of that future, it must find ways to improve rail service while lowering its rates to allow businesses in northern Ontario such as Kidd Creek to remain competitive in the global marketplace. In the area of telecommunications, ONTC must embrace and allow competition to ensure that the competitive disadvantage presently experienced by business in Timmins no longer exists. If these goals cannot be achieved by ONTC in the near future, the government must find an alternative mechanism to ensure that Timmins's and northern Ontario's future, in the area of transportation and communication as it pertains to business, will continue to shine brightly.

I thank you for affording me the opportunity to appear before you today to share the position of the Timmins Chamber of Commerce concerning the ONTC. This concludes my remarks, and I will be more than happy to answer any questions that you may have with regard to my presentation.

Mr Bisson: Thank you very much, John, for travelling all the way from Timmins to Toronto in order to present to this committee. I'd like to signal to the committee that John is an integral player not only as president of the chamber of commerce, but has been involved in the community a lot of years on many issues. Although we may agree on some, I've got to say up front that I don't agree with most of what you have to say in this particular presentation.

There are a whole bunch of things I'd like to ask you questions on, but I don't have the time. Let me ask specifically about the norOntair issue. We went through a whole process in the community of Timmins, from Air Canada being the monopoly air carrier in Timmins, to deregulation, to private carriers. Both Air Ontario and CP eventually came in and offered competition of services to our community. Rates have actually gone up; they haven't gone down. We haven't had stability of rates. We used to be able to fly from Timmins to Toronto for about two thirds of what we're paying now. Within a year of privatization and private competitors coming in, an arrangement was made between those airlines that, quite frankly, we pay more. We got more frequency of flights, but we lost jet service. So I don't agree with your basis on this.

What strikes me in this is that you're saying on the last page of your document here that 14 out of 17 communities are going to be serviced by norOntair. I imagine that you as a northerner share the same concern: What happens to those other three communities? Who should pick up that air service?

Mr Bragagnolo: I think that is open for discussion by the business community, the governments and those communities working together to come up with an alternative solution. If it's not feasible for private enterprise to go in there, then maybe some mandates that are being covered by the ONTC might apply to those communities.

Mr Bisson: Would you favour the ONTC taking over those three small communities left over or would you say the private sector carrier should get a subsidy?

Mr Bragagnolo: I think whatever turns out to be the most effective and economical answer. If the ONTC can come in there and do it more economically and efficiently than the private enterprise, then that's an option that should be explored. If private enterprise can come in there and do it more economically and efficiently than ONTC, then that option should be explored.

Mr Bisson: The problem with that is that there's a bit of a contradiction in what the government is saying, as you saw this morning. They're saying no subsidies should apply. We found out this morning that subsidies are being offered to a private carrier. Rather than that subsidy going to norOntair-ONTC, it's going to the private carrier. But the second issue is that you can't have your cake and eat it too. I'm just wondering if you can comment on that.

Mr Bragagnolo: The three communities that aren't being picked up by some of the private enterprise, and I don't have the facts in front of me—I think if you look at the usage of those communities, for example Chapleau, if they average two passengers per day on their air service it's a busy day. Those kinds of issues need to be addressed. If the usage isn't there, then there are alternatives that need to be explored.

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Mr Bisson: But the issue is that in this case Bearskin will still get a subsidy. In regard to Chapleau, it might be only a couple of people on average using that thing per day, but what do you do when those services are really needed? Do you not offer it to people in the north at all?

The other thing I just want to get into is a long-term commitment. If the private sector carrier six months from now, out of the 14 communities that presently have air service, finds out he can't make it on his own, do you have a concern that those communities might be in jeopardy?

Mr Bragagnolo: I don't think they're going to be in jeopardy. I think businesses, before they move into the realms of new marketplaces, research their market areas and have a fairly good idea of what kinds of returns they're going to get. I'm sure if they were going in there with the intention of only providing service for six months or one year, they probably wouldn't do it.

Mr Bisson: Do you think there's a chance that the air service may come out. We know that there were four private air carriers that went into Elliot Lake, we've seen that across northern Ontario, because in some places there just isn't the market to sustain them. That's why norOntair was created in the first place, because the private sector wasn't picking up the service. Would you say there is a danger that the private sector air carrier

could, let's say, in some of those communities say, "There isn't a market; I've got to pull out"?

Mr Bragagnolo: It's not an extreme concern of mine. I think there's a remote possibility of that happening, but it's not a major concern.

Mr Bisson: What would you do if you were the president of the chamber of commerce in Chapleau? What would be your position?

Mr Bragagnolo: I would try and find ways so that everybody can work together to come up with a solution to the problem. I don't think you can count on the government or the ONTC to come up with every solution. There's an area that needs to be covered, and there needs to be dialogue that happens so that if there's a problem, there's a solution that is developed as a result that's in the best interests of that community.

Mr Bisson: Okay. I've only got a couple of minutes and there's a whole bunch of other things.

The Vice-Chair: You've got about 10 seconds.

Mr Bisson: When CP pulled out of Timmins—

Ms Martel: What did the chamber say?

Mr Bisson: Yes, ask it. It's your question.

Ms Martel: What did the chamber of commerce say when CP pulled out of Timmins?

Mr Bragagnolo: When CP pulled out of Timmins, I think the chamber of commerce knew there weren't enough people utilizing that route for it to remain effective. They understand that as business people; if the marketplace isn't there, if they're not able to compete in that marketplace, then—

Mr Bisson: The chamber opposed that, though, John.

Mr Bragagnolo: We didn't oppose the CP pulling out. No, Gilles.

Mr Gary L. Leadston (Kitchener-Wilmot): John, I'd like to thank you for coming down. It's probably one of the most articulate, well-presented and statistically effective documents and presentations that I've heard in my short term in the Legislature.

I really appreciate your frankness, and in particular your honesty, because you not only speak of Timmins's, but you speak of northern Ontario's future. I as a member of this government, a member of this committee—even the opposition I think is interested in not only the province of Ontario in particular but in northern Ontario's future. Because it represents only 8% of the population, there has to be dialogue, and the chamber in the northern communities as well as in the southern communities have to dialogue not only with government but with business, with the private sector, with the communities, with the people who are affected with any change in our lifestyle.

I had some questions pertaining more specifically to your proposal, but you've covered it so well and so adequately that I don't feel it's necessary. What I'm really interested in, is the chamber prepared to work with the government, with the private sector and with the community to develop alternatives, as has been suggested by the opposition?

Mr Bragagnolo: Yes. The areas, as I mentioned before, where private enterprise can handle things, in my opinion they'll do a better job than government. For those marketplaces that aren't viable, yes, I think there's dialogue that needs to take place at all levels to come up with a solution that is workable for everybody involved.

Interjection: Such as Atikokan.

Mr Bragagnolo: Atikokan might be a prime example.

Mr Leadston: The fact that there's a willingness on the part of the community and on the chamber, because you are a major voice and a major player in the development of the north in our province in particular, and there has to be that very strong willingness to sit down at the table to explore alternatives and other options. Obviously, if it's not financially viable and feasible for any carrier to service a particular area, it's just not the way to do business.

The major impact, if you're only driving an hour or an hour and a half, as was indicated by the delegation previously—it's nothing for anyone in southern Ontario or in Ontario to drive an hour or an hour and a half to and from their place of employment. That's not a hardship. Many of us are doing it, but that's a way of life; that's an expectation. I guess the same expectation should apply in the northern communities if you have to drive that distance for transportation.

Mr Bisson: Hornepayne is not Oshawa. That's what you guys don't understand.

Mr Bragagnolo: Sorry, I'm hearing comments from both sides. It's making it difficult.

I agree with you. There are unique challenges to everywhere you live. If you're living in downtown Toronto, you have unique challenges relative to living there. When you live in a place like Timmins, it creates a whole new set of unique challenges. When you live in a place like Hornepayne or Chapleau, there's a whole set of other unique challenges. But as northerners, one thing we're very proud of is that when we're faced with a challenge, we like to hit it head on and overcome those challenges. Our way of life in northern Ontario by far is probably one of the best ways of life I could imagine.

Mr Rick Bartolucci (Sudbury): Let me just follow up on the point Mr Leadston makes that I take exception to. We may be only a mere 8% of the population, as he suggests, but our contribution to Ontario is far greater than 8%. Our revenue contribution to Ontario is far greater than 8%.

John, I'm going to try to be as polite as possible to you. As an individual, I respect you, but I have trouble respecting the positions of chambers of commerce from the north. Your position is no exception. Certainly the Sudbury chamber's position is warped at best, and I'll say that publicly. On page 4 you say, "The Ontario government must dialogue with the stakeholders of northern Ontario relative to these issues." Before November 29, what type of dialogue did this government have with the Timmins Chamber of Commerce with regard to these cuts? What type of dialogue did the Ontario government have with the municipal council of the city of Timmins? Can you tell me the answer to those two questions?

Mr Bragagnolo: Are you asking specifically regarding transportation and communication issues?

Mr Bartolucci: Yes.

Mr Bragagnolo: With regard to norOntair, we were the ones who initiated the dialogue. We wrote to the Premier and to the Minister of Northern Development and

Mines, addressed the concern we had with the competition of norOntair with private enterprise and that the government take a look at this whole issue. Somebody must have heard what we were asking, because we're sitting here today having this exact dialogue. I'm happy with the response.

Mr Bartolucci: John, you're telling me you had no dialogue then. You're telling me you wrote the government with a recommendation; November 29 these millions of dollars are axed; and today we're here talking about it after the fact. So in fact you didn't have any dialogue with the government. Is that correct?

Mr Bragagnolo: No, I don't think that's a correct statement.

Mr Bartolucci: How much dialogue did you have with them?

Mr Bragagnolo: We probably had just as much dialogue with this government as we've had with other governments over the years on issues. I'm not a partisan person. I see governments—

Mr Bisson: On a point of order, Mr Chair: I'd like to point out that the chamber of commerce met many times with ministers of the crown in the previous government and had a very proactive role in the decisions of our government—

The Vice-Chair: Excuse me, that's not a point of order. We're working on Liberal time, so I would ask Mr Bartolucci if he has any further questions for the deputant.

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Mr Bartolucci: John, let me go back to the level of service for norOntair, because I'm concerned about that. What's going to happen when it ceases? Are you satisfied that the level of service will be the same as it is now?

Mr Bragagnolo: I'm not saying it's going to be the same as it is now, but I think it's going to become more effective and more economical, and that's important.

I see this turning into a one-sided, norOntair issue. A lot of other issues regarding transportation and communications are even more important than the air service in northern Ontario, for example, the monopoly I alluded to in telecommunications, the rail rates. These are very important issues that need to be addressed if the business community of Timmins is to enjoy in future the success we're enjoying today.

Mr Bartolucci: What you're saying to me is that the level of service isn't going to be same, that the opportunities for those people who have to access air service to get to Sudbury for medical attention will not be there, and the chamber of commerce is not concerned about that.

Mr Bragagnolo: Access to medical services and norOntair are two separate things. There are ways around that. For example, the last presenter talked about helicopter services. Maybe there's a program that needs to be looked at—

Mr Bisson: From Hornepayne to Sudbury?

Mr Bragagnolo: Yes, Hornepayne to Sudbury, Gilles. The air ambulance up there right now, the helicopter, services a very wide area of northern Ontario. Those kind of programs: We can't afford to have the level of service that presently exists in those areas. We need private enterprise to come in and offer the level of service it can afford and can make a profit at. If we can't afford those levels of services, we need to review them and come up with an alternative that is agreeable for everybody, but it has to be an affordable alternative.

Mr Bartolucci: You know what? More than that, it has to be not only affordable; it has to be a caring alternative. This is what's clearly lacking in the government's approach to northern Ontario. You, as a member of the north, should not only be concerned about dollars and cents but about the human resources found in the north.

Mr Bragagnolo: I'm very much concerned about the human resources found in the north. Unfortunately, the dollars and cents of rail costs, of long-distance costs, have an ultimate effect on the human resources of northern Ontario. We have these competitive barriers that we have to overcome if we're to create more jobs and if we're to keep the same job levels we have in northern Ontario. While we have a philosophical difference, I think my views very much address the views of the human resources issues in northern Ontario.

Mr Bartolucci: I think I heard the bell.

Mr Leadston: Mr Chair, on a point of personal privilege: I'd like to correct the record. Mr Bartolucci implied that I used the word "mere." It was used by the delegation in his remarks as a mere 8%. I believe I said "only." It was not said in a sense of being negative, as obviously was implied by Mr Bartolucci; I don't believe it was implied by the delegation and it certainly was not implied by myself.

The Vice-Chair: I want to thank you for coming. Your being here has been helpful.

Mr Bragagnolo: Thank you very much for having us.

Mr Wildman: In light of the presentation made by Mr Friesen of Bearskin, I would like to move a motion.

I move that the committee invite the Minister of Northern Development and Mines to come again before the committee to explain fully the government subsidy offered to Bearskin Airlines to provide scheduled air service to the community of Atikokan, and further, to explain whether similar government subsidies will be made available to other northern communities which are losing norOntair air services without replacement as of the end of this month, or subsequently are left without private air services.

I'd like to speak to it if I could; the time frame is such that I won't prolong the discussion. But it seems to me that a subsidy is a subsidy is a subsidy. If it is being provided by the taxpayers to provide a needed service in Atikokan—and I want to make clear that I'm not opposed to providing air services to Atikokan, but if there is a need for a subsidy in a community like Atikokan and the Ministry of Northern Development and Mines is prepared to provide such subsidy, it seems rather odd that the minister would be taking the position that the subsidized air services to Hornepayne, Chapleau and Gore Bay should be discontinued.

It seems to me there is a contradiction in the minister's position and the government's position that has been demonstrated this morning by the presentation by the representative of Bearskin Airlines. If the government

thinks a subsidy is justified in one community, why would the government take the position that similar subsidies would not be justified in other communities that require air services?

I think we should give the minister the opportunity to explain to the committee this rather strange contradiction in his position. Considering how important this matter is to many northern communities, I hope the minister could return in a timely fashion. Perhaps if he comes back before the end of March, he'd be able to fly here.

Mr Bob Wood: The government members do not support that motion. The minister has been very generous with his time, having come here once and having offered to join us for a day in northern Ontario in May.

Mr Wildman raises a point that he's quite entitled to raise, which goes right to the heart of, should we give any subsidies at all? I think, however, the most efficient way of dealing with that question at this point is for the committee to ask the minister the question, as has been done before in this committee. I would encourage Mr Wildman to request that the question go to the minister, and I'm sure the minister will give us an answer. If he's not satisfied, he can certainly ask a question in the House starting in 10 days' time. But the government members are opposed to asking the minister to come in twice within this period of a couple of weeks.

Mr Bartolucci: I will support the motion. It makes an abundant amount of sense, and it also will provide the minister with an opportunity to clarify his position of being a spokesman for the north when clearly now we see that there are areas of the north that he is shutting out from a process that can be life-threatening. I don't understand why the people of Atikokan, as important as they are, are more important than the people of Hornepayne or Gore Bay. I suggest it only makes common sense to have the minister come before us to at least explain the rationale for his decision.

Ms Martel: I disagree with the government, because the important thing we have to remember is that this committee is now charged with the responsibility of dealing with matters affecting this commission, and one of the most important matters affecting this commission and hence northern communities right now is the loss of norOntair service which occurs at the end of March of this year. Three communities will be left with absolutely no air service by the end of March of this year.

I understand that the minister was already before the committee. For the life of me, I can't understand why the minister didn't tell committee members that the Ministry of Northern Development and Mines was actively working with the community of Atikokan and with a private sector carrier, namely, Bearskin, to provide air service to that community.

Members should recognize that the community of Atikokan isn't even one of the 17 on the list that the minister talked about in November, one of those communities that was due to lose air service. Atikokan lost its air service some time ago, yet we have the minister engaged in negotiations to provide a direct subsidy to Bearskin to provide service to that community.

I think the minister should come back to this committee. He should explain why it is that it's okay for the Ministry of Northern Development and Mines and his Tory government to provide a direct subsidy to a private sector carrier to provide service into one community but not to do the same thing in three others. There is no sense of fairness there. That cannot be justified. That's a completely unacceptable position for a minister of the crown of this government to take. You cannot pit northern communities against each other like that.

I strongly suggest to the committee members that it's not good enough to say the minister will join us sometime in May, in November, to discuss this matter further. By that time, three communities will no longer have air service, and that's unacceptable.

Again I would say to the committee members that it's incumbent that the minister come before this committee and explain why it is that his ministry is prepared to offer a direct subsidy to a private sector company to go into Atikokan and is not prepared to do the same thing for Hornepayne, for Gore Bay and for Chapleau. I think that would be unacceptable to the northern communities affected. It should be unacceptable to all members of this committee that he should pick and choose northern communities in such a way.

Mr Bert Johnson: I move the question now be put.

Mr Wildman: Can we vote on it?

The Vice-Chair: Okay. We'll entertain a vote on whether the question should be put.

Mr Michael Brown: Can we debate that?

The Vice-Chair: No, that's not debatable.

Mr Michael Brown: Can we have 20 minutes? We'd like 20 minutes to talk about it.

The Vice-Chair: We have a motion on the floor that requires that it be put without any further discussion.

Mr Michael Brown: Exactly, and we want 20 minutes to caucus it.

The Vice-Chair: Okay, we'll take a break.

The committee recessed from 1140 to 1159.

The Vice-Chair: On the advice of the clerk to myself, we're going to entertain the vote on whether we should put the question. All those in favour of putting the question, raise their hand.

Ms Martel: Recorded vote.

Ayes

Doyle, Fox, Bert Johnson, Leadston, Preston, Bob Wood.

Nays

Bartolucci, Michael Brown, Gravelle, Martel, Wildman.

The Vice-Chair: The vote has been to the positive, so we will move to the vote on the motion.

Mr Bartolucci: Just a point of information for the government committee members in the event that Mr Wood isn't available: At the time a motion to call the question is made, the Chair has the discretion either to accept that motion or to refuse it, it is my understanding from the rules of procedure. Am I correct or am I incorrect?

The Vice-Chair: I'll have the clerk look into that and report back. I'm told that at this point, we're to move on to the vote. That was the decision I made.

Mr Bartolucci: I respect the Chair and I will definitely not challenge the Chair. I just want you to understand, Mr Chair, that according to the rules of procedure, if the Chair does not feel there's been adequate time for debate or discussion, the Chair can rule a motion to call the question out of order. Thank you.

The Vice-Chair: We'll move on to the vote on the motion. All those in favour?

Mr Wildman: Could we have the motion read, please, Mr Chair?

The Vice-Chair: Mr Wildman moved that the committee invite the Minister of Northern Development and Mines to come again before the committee to explain fully the government subsidy offered to Bearskin Airlines to provide scheduled air service to the community of Atikokan, and further, to explain whether similar government subsidies will be made available to other northern communities which are losing norOntair air services without replacement as of the end of this month or subsequently are left without private air services.

Mr Michael Brown: A recorded vote.

Ayes

Bartolucci, Michael Brown, Gravelle, Martel, Wildman.

Nays

Doyle, Fox, Bert Johnson, Leadston, Preston, Ross, Bob Wood.

The Vice-Chair: The motion is lost.

SAULT STE MARIE ECONOMIC DEVELOPMENT CORP

The Vice-Chair: We will now move to our next set of witnesses and call forward, from Sault Ste Marie, Mr Bruce Strapp, economic development officer, and Mr John Reynolds, chair of the norOntair adjustment committee. Please make yourselves comfortable, and whenever you're ready, go ahead.

On this one, I'm asking to vacate the chair so that I might have a chance to ask questions. I'm asking Mr Bartolucci to take my place in the chair.

The Acting Chair (Mr Rick Bartolucci): Welcome, gentlemen. We look forward to your presentation. You know we have half an hour, and whatever time is left over from your presentation can be divided by the three parties for questions.

Mr Bruce Strapp: I'd like to thank you for the invite to speak to you today. I'm Bruce Strapp, from the Sault Ste Marie Economic Development Corp. Also with me today is John Reynolds, the chairman of the norOntair industrial adjustment committee. He's involved with working with the employees to determine their future if norOntair closes at the end of March. We hope these employees will have jobs after March 29, 1996.

Just some background information: The Sault Ste Marie Economic Development Corp is a non-profit organization whose mandate is to carry out the city's strategic implementation plan. This plan was developed from a major community initiative called RAPIDS. The plan was a result of the threat of our major industry closing and the potential of losing over 5,000 industrial jobs. Algoma Steel, St Marys Paper, Algoma Central Railway and several small manufacturing companies were threatened by closure but were able to restructure their business because of the hard work of the industry, employees, community and government. The city would like to take a similar approach with norOntair currently operating in a deficit by the Ontario Northland Transportation Commission.

NorOntair is what we would like to focus on today, and the potential loss of jobs. First, the city of Sault Ste Marie recognizes the present government's priority to cut expenditures and reduce the deficit. All government is doing this today, and we have to do it, but we have to look at how we deal with those expenditures and how we can find solutions to the threat of discontinued service. We agree if a service does not make sense, don't do it, but norOntair makes sense. If it is the request of the government to allow the transition to a private sector carrier to continue the operation of air service, then the best approach is to try and look at means and ways in which we can create a new business venture to use the infrastructure and the employees that are in place.

In November of last year, the province unveiled its budget that called for the reduction of funding to ONTC. It was determined norOntair would no longer be operated by ONTC. Not only were the employees shocked, but the city of Sault Ste Marie is concerned they would lose another important business. Not only Sault Ste Marie, but other communities are voicing their concerns on the loss of jobs, air service and the reduction in the northern quality of life.

NorOntair employs 80 employees and has a positive economic impact on the airports and communities in northern Ontario. There are 80 people employed by norOntair and I think it's important to tell you where those people are employed. In North Bay there are 11 employees; in Sault Ste Marie there are 56 employees; in Kirkland Lake there are two employees; in Earlton there are two employees; in Chapleau there are four employees; in Wawa there are two employees, and in Fort Frances there are three employees. Eighty direct jobs.

There is an additional immediate impact on the 25 employees of Skyservices, a Sault Ste Marie firm providing norOntair with fleet maintenance. There are other direct jobs in the air service industry directly connected to providing norOntair products and services. Airline service counters, ground crews, airport restaurants, taxi and limousine services are functions where employment is attributable to the load levels and the frequency of the takeoffs and landings of norOntair.

In northern Ontario the loss of norOntair revenues will have a negative impact, especially when many communities are in the process of taking over their airports. Without norOntair revenues, these airports might no longer be viable. In many cases, municipalities are responsible for the operation of their own airport. They are under tremendous pressures because the MTO grant for airport operations will be eliminated. In the last few years, the province has invested major dollars for capital upgrades. This has been in the millions of dollars. If municipalities lose the norOntair revenues and the MTO

grant, the municipal budgets will no longer be able to sustain these airports. They will close and the provincial investment will be lost.

These communities might not have access for fixed-wing medevac services. Helicopter medevacs has been discussed as a solution but are known to be many times more expensive, but the worst impact is that lives could be lost. The access to health specialists by people in rural northern Ontario to the major urban centres is a major issue in the north, and northern citizens will demand it. This issue alone will be a major barrier for future population, business and tourism growth in northern Ontario. The population will continue to migrate to the GTA and will continue to cause the government more congestion problems in the south. Why do we subsidize transportation such as the TTC and other networks in the south but won't invest a small stipend in the north?

Let me remind you, northern Ontario is 90% of the land mass and, I heard earlier, was only 8%—I had 10% of the population. It must be going down. But we provide major revenues for this province because of our resource wealth: the mining, the forestry and the tourism. This could disappear because we'll not have the human resources in the north to create these opportunities. We're certainly going to have more barriers to attract doctors to the north if the air service is reduced.

NorOntair services 17 northern Ontario communities with two Dash-8s and four Twin Otters. On February 25, Minister Hodgson assured 14 of the 17 communities the private sector would provide service. This, of course, is air service to the satisfaction of the province, not the communities impacted. For the three communities where air service is not in place, some sort of arrangement will be established to continue air service beyond March 29, the scheduled date for closure of norOntair. This will cost somebody, and most likely the municipality.

1210

As anticipated, the private sector has responded. Several operators have publicly announced they will provide service to those communities that will make them profits. They will provide service using smaller planes, 10- and 19-seaters, compared to the Dash-8s and the Twin Otters. Geraldton, for example, will have their service reduced to a single flight from Thunder Bay. They will lose its flight to Sault Ste Marie in which most of their fishing tourists travel to Geraldton. To travel via Thunder Bay will add cost to the tourist and these visitors might not be willing to pay the extra hundreds of dollars to get to Geraldton. They will go somewhere else and Geraldton's fishing resort industry and economy will suffer.

Many communities question the type of service to be provided by the private sector to date. Passengers are comfortable with the quality of service provided by norOntair. It will take some time for a private sector carrier to achieve this confidence. The scheduling frequency and routes between communities have been determined by the ONTC with considerable input from the people of northern Ontario. Linkages with major connectors, such as Air Ontario and Canadian Regional, provide excellent business connections with the urban centres and Toronto. Several mayors and reeves stated that they could fly to the major urban centre and get back in the same day, but after March this might not be possible.

Costs of doing business would increase. The safety record of norOntair has created the confidence of the travelling public. In many ways, norOntair has created the marketplace for this type of air service. The confidence in the continuity of service has always been there with norOntair. I have witnessed, in a particular airport, a single passenger waiting for a non-norOntair flight only to find out it wasn't going to pick her up because of a maintenance problem. I wonder if that particular flight was just not economical because of the distance this community was out of the way of the direct air path.

Questions surface, such as: Will the replacement carrier be there tomorrow? What schedules and routes will be implemented and what price? Will the replacement carriers and their service standards be sufficient to keep the confidence of the marketplace? Will they provide the revenues to those airports to sustain those airports?

There is some speculation by the communities who operate their own airports that they will have to make concessions in order to keep any type of air service. This will increase the burden on the local taxpayer. Will there be sufficient levels of long-term business to ensure the airports in the smaller communities are viable and thus able to sustain facilities for emergency air service? Who will replace the economic loss of an industry that spent $13.75 million in 1995 in all of northeastern Ontario?

Within that expenditure, there are millions of dollars being spent in the following areas:

Salaries, wages and benefits	$3.47 million
Repairs and maintenance	$2.73 million
Fuels	$1.81 million
Utilities	$320,000
Tools, operating supplies	$170,000
Building and passenger services	$210,000
Airport service contracts	$1.78 million
General plant expense	$1.45 million
Other operating costs, such as travel agents' commissions, insurance, taxes	$1.16 million

What are the flow-through or downstream economic losses of this level of expenditure in wages, goods and services to the communities? Does the impact of tax generated, because of such expenditures, not offset the ONTC's projected $4.5 million subsidy?

The Sypher Mueller report, on which the ONTC and the government of Ontario has based their decision, was flawed. In the eyes of the employees and Skyservices, this deeply flawed document containing incomplete and inaccurate tabulations of load information may have given bad advice to ONTC and the province. Comments to that effect have been submitted in writing to ONTC without any notice of amendment to the report. It appears that the commissioning of the report may have been made with the desired outcome predetermined. Certainly norOntair management did not even know about the joint decision beforehand.

There had been mention that once norOntair stops its service, the private sector will be able to expand into this marketplace and provide the service, but consider that norOntair had created this market. Northerners trust

norOntair and the ONTC. Maybe this market will disappear and so will the private sector carriers. The private sector players have criticized norOntair, saying "unfair competition," but haven't they developed their own business and grown because of norOntair?

In late January, the employees engaged in the development of a business plan with a private sector operator who was considering a tender on the norOntair operation. Within 48 hours of analysing the sparse data available on load factors and without applying that carrier's normal marketing and business strategy, they were able to reduce the annual operating deficit to approximately $1 million per year.

This looked very hopeful and we began working towards developing a plan, but the employees' hopes were dashed away. The investors withdrew their interest of joining the norOntair employees and submitting the tender for two reasons: There was insufficient time and information to develop an accurate evaluation necessary to justify the capital funding required, and the announcement of the closure of norOntair on March 29 and the unwillingness of the province and the ONTC to extend the date created a situation that would be difficult to reverse in the minds of the travel agents and travelling public. The death bell had rung.

The tenders for norOntair assets have proceeded without considering selling air service as an operating entity. It appears that the highest bidders will take everything and we don't know when the announcement of the results will be made. The city and the Sault Ste Marie Economic Development Corp believe there is a solution to this situation.

First of all, give ONTC the mandate to operate the air service in the most economical means. This air service always had a political mandate to meet the needs of northerners, but give it some business savvy and see what would happen.

Second, allow a little more time for the private sector and the employees to prepare and implement a plan to take over norOntair. To do this, use all the resources available: the communities, ONT, MND and M, the employees and some of the experts from the Ministry of Economic Development and Trade and the Ministry of Labour. They have had success like this in the past and there are many stories like that in northern Ontario.

That is what government can do: Create the environment for a new business opportunity. Right now, there is an air service consultation committee with members representing the 17 norOntair communities, the ONTC and the Ministry of Northern Development and Mines. The mandate is to proactively and collectively seek out and advise on means to provide scheduled air service to all communities currently served by norOntair. It is to assess the financial viability and service provision of the airports served by norOntair with and without scheduled air service and recommend the extent of any provincial financial or other assistance that is desirable.

Finally, it is to report to the Minister of Northern Development and Mines and the 17 communities served by norOntair on March 29, 1996, setting out the action that has been taken, the status of scheduled air service and the airport operation, together with any recommendations for the future consideration of the minister. This committee has not been able to see all the information on what is happening with the tenders or all of the private sector response. This committee has to be given this opportunity.

The city of Sault Ste Marie participates on this committee and we believe that this is a good partnership. Sault Ste Marie has a proponent who wishes to buy norOntair as a going concern and we believe that there is a viable solution to this. A new business can be created in northern Ontario. It will retain and create jobs and will continue to provide quality air service to all communities. We ask this committee to request Chris Hodgson, Minister of Northern Development and Mines, to hold off on any announcements of the sale of norOntair assets until the air service consultation committee has looked at all possible options, including a new norOntair business.

Thank you very much for the opportunity to present our views on this situation. You can see that Sault Ste Marie is very concerned about what happens.

Mr Bob Wood: Am I correct in my understanding that on April 1, the Sault is going to have both bus service and air service? Do I have that right? You're not going to lose either bus service or air service as a result of what's been done with norOntair?

Mr Strapp: Yes, I don't think we're going to lose any of the service to Sault Ste Marie.

1220

Mr Bob Wood: Yes. You properly set out in your presentation the effect of job losses on a community. Obviously there are going to be job gains as well, because all these other carriers are taking over the routes that you outlined. Have you done any calculation of the effect of the job gains on the economy in northern Ontario?

Mr Strapp: We haven't looked at the job gains in northern Ontario just because of the speculation right now there might not be. For example, in Sault Ste Marie, we have a really strong self-interest here that some of the other carriers that are involved in looking at norOntair are certainly not looking at Sault Ste Marie as a location to operate their operations. So there's going to be a direct loss of jobs, we believe, in Sault Ste Marie. Where those jobs might go, or if there are new jobs created, will depend on how the air carriers are going to set that out, and we don't think that the magnitude will replace the norOntair jobs that are going to be lost. But there are no economic studies done to take a look at that.

Mr Bob Wood: You touched on the question of the subsidization of norOntair, and the private carriers of course have said that they think it's grossly unfair to be competing with an entity that's getting so many tax dollars when they get none. What's your response to that argument?

Mr Strapp: Well, certainly one of the things is that the air carriers who are there now weren't there before norOntair; otherwise we wouldn't put norOntair into northern Ontario to service the north. These air carriers have expanded and grown in northern Ontario because I think they've been able to get into the marketplace by identifying routes that weren't adequately serviced by norOntair and have been able to capitalize on that.

In regard to the public sector competing with the private sector, I think in some situations public sector subsidy has to be there if it's not a viable operation, and we always in the transportation game are playing the definition of levels of service, whether it be done better by a public sector or whether it's going to be done by a private sector. In many cases today we can see that the public sector's getting out of transportation, but there has been reduction in service. There are several cases, such as train and rail passenger service, where we see communities no longer being serviced, but they had the service before that.

Mr Bob Wood: Do you see any merit in their complaint about competing with public money?

Mr Strapp: In northern Ontario we, as northerners, have always looked at investment from two sectors, from the public and private sectors. Certainly if they were able to provide the service of going into certain communities and being able to do that and keep the same level of service that the communities want, I would say that norOntair would be probably the first organization to back out. But when the air service is not there to the needs of the communities, that's where the mandate of ONTC was to provide it.

Mr Bob Wood: Would you see a system of transportation that had no public subsidy to be more or less attractive to investors, particularly in northern Ontario? Do you think there'd be greater investor confidence if there was no subsidy, or do you think there's greater investor confidence if there is taxpayers' money subsidizing the transportation system?

Mr Strapp: I think what you might see is you're going to have your urban centres up north polarized. The private sector will be able to come in and look at the lucrative markets and it'll eventually hurt the rural communities. So the private sector would love to have those major urban centres and you'll see maybe the investment going that way. But I'm sure you're going to see the rural communities suffer where you're going to have a polarization going to the urban centres.

Mr Bob Wood: Looking at the north as a whole, do you think it's going to increase investor confidence, make no difference, decrease it?

Mr Strapp: I think we're in a period where we have to look at a transition. If we really, truly want to try and privatize the transportation system, I think there's a mechanism you have to put in place to do that transition. Just by going cold turkey and say, "On a certain date we're going to take out public sector," there's no guarantee that you're going to have the private sector coming in and pick up full service to northern Ontario without some sort of subsidy.

Mr Bob Wood: I may have one other question. Do we or don't we? No? How much time do we have left?

The Acting Chair: You have exactly 28 seconds.

Mr Bob Wood: We'll waive it.

Mr Michael Brown: I enjoyed your presentation. I appreciate the motion that you're suggesting we put before the committee, because I think it's the right one. I think, if you look at the history of what's going on here, you, like us in the opposition in both parties, are absolutely in awe. This started with a press release on November 29 which followed Mr Eves's statement to the Legislature regarding finances which was the most obscure, sly statement you ever saw. The statement, if you will recall seeing that press release, did not mention norOntair. What it did say was which of its services they would subsidize, yet only by determining that norOntair wasn't on the list were we able to find out that norOntair was therefore gone. I confirmed this with the commission. There has been no public—there was no discussion before the decision with anybody that we know of that norOntair be gone. It just never took place.

But I wanted to tell you their agenda is clear, and from the questions we just heard, the agenda of the government is clear: If private enterprise can provide it, it will be provided. If it is not, if it can't be, it won't be.

I'm all in favour of private enterprise. I think that's great. But what we're hearing is there's going to be carriers to some of the locations. We don't know how long they'll be there. We know already that the level of service, in other words, frequency of flights, time of day, those kinds of things, is being dramatically reduced even for the I believe 14 that have some kind of private air carrier coming.

It's clear to me that nobody understands on the government side what the realities of northern Ontario are like, especially outside the major centres. You're not saying this is going is impact greatly the citizens of Sault Ste Marie in terms of whether they can get to Toronto or Sudbury etc. But the people from outside of Sault Ste Marie who want to get into Sault Ste Marie are going to be the ones that are drastically affected, and there seems to be no comprehension over here that this is what it's about.

I guess what I'm amazed at is that the employees of norOntair had no opportunity, in a real sense, to see if they could make this operation viable. Clearly, in my mind, if they were to provide the same level of services being suggested by the private sector, they could very well be far more competitive than at the levels of service they're now providing, because they're providing a good service in terms of frequency of flights.

Could you tell me a little bit more about the group that was trying to make the bid on behalf of the employees?

Mr Strapp: I knew these questions were coming up, and that's why I thought it would be good for John to come along.

Mr John Reynolds: I should say, without disclosing the names of the people that we discussed norOntair with, our employee privatization committee had terms of reference. The first was to examine the purchase of the airline, and through the timetable made available to us, that was impossible. We very quickly found that out.

Secondly, we sought an affiliation with an existing carrier, and we met with two groups, one of the groups representing two carriers that were looking at developing an alliance. One of the groups we've continued to meet with, including today. The other group we met with over a period of two weeks and really had an immersed period with them of two days in which we did some number crunching. And, sir, that is the group Mr Strapp referred to when they used their model and the data that were available and applied all of their costs and method of

operation and saw a reduction to the $1-million loss per year. Even then, they backed away because there wasn't sufficient time for them to move ahead with getting a tender in.

But there was a considerable amount of thought given to the configuration of services that would be offered, and both of the groups that we talked to did not at any time look at reducing services to any of the communities that currently are being serviced by norOntair. And this had a great deal of appeal, of course, to the employees, because they could continue to see norOntair as the airline that they had experience with.

1230

Mr Tony Martin (Sault Ste Marie): That was really, I think, an interesting summation of some of what you've been doing and the very difficult and important work that's gone on over the last little while around Sault Ste Marie and with others interested to try and put an alternative together.

You weren't here this morning when Mr Friesen came to tell us that northern Ontario was the same as southern Ontario, that driving from Hamilton to Toronto is the same as driving from Wawa to the Sault to go to work. We know what that's all about, because both of us lived in Wawa for a time in our life. It sounded like the Conservative members agreed with that, that northern Ontario is the same as southern Ontario.

I'm here to suggest to you that it's not, that we have challenges up there that are different and that we've learned over a period of time to deal with in a different way. Just in the last five to six years, Bruce has outlined the way that we've dealt with the very stark challenge to the base of our industrial sector in Sault Ste Marie to bring new partners to the table, to create new ways of doing business that are very competitive on a global scale now and that we think should be given the time to unfold and be copied.

My question to you, Mr Strapp, today is, in light of the time lines that you've worked under so far—and I just have to reference that the day you were on your way to meet with the minister was the same day he announced that the whole thing was going to be up for sale and over by March 31. It didn't seem to be a whole lot of time. How much time would you really need to put this plan together so you could effectively present a case to the powers that be to have this new alternative unfold?

Mr Strapp: We've had some discussion with the employees and the investor group, and I think the most important thing that they've outlined to us is that they can react very quickly. What they probably need is a little more openness on the part of ONTC management and the province to allow for a process of letting the operation go as a going concern. They feel they could probably do it very quickly. If they could start fairly quickly right now, in several months, and it could be only a couple of months, they might be able to take over norOntair as a viable concern.

Their biggest problem is having a transition of not losing the reservation linkages, to be able to do the due diligence of the operation, to be able to get in there and have their management group go in and work with them and try and make sure they have an understanding of what's going on and then be able to put in place the business takeover. That's normally what happens with any sort of corporate mergers or whatever. In a merger that is a friendly merger, you do have cooperation where the management can interact and be able to do that, and I think they could do that very quickly.

We had some very good discussions with them. We want them to meet with the communities, we want them to meet with ONTC, we want them to meet with the minister to outline their strategies. There's nothing like a face to face to show the solution that they have, and certainly to the city we really want to push this.

The other thing too is they brought a whole new perspective to this business. It's not only going to serve northern Ontario, but it's going to be a great business to export into the US. Sault Ste Marie, because of our geographical location, the whole area of open skies, with the Dash-8 plane as a new transportation vehicle in the aviation business, there are many countries that are using this as a training centre. We've got pilots over Romania doing Dash-8 training. We can go into Pittsburgh, which is a major airport facility, Minneapolis, Winnipeg, all of these areas, as a private sector opportunity. We would put some major linkages between our resource industries—the mining, forestry and tourism in the north—also with the US.

There's a major opportunity here that I don't any other air carrier can look at. So we're looking at this as a major business opportunity that'll create some new growth for Ontario.

Mr Martin: I think you've already answered the question I was going to ask. What kind of an operation would it be? Algoma Steel, ACR, St Marys Paper, that came together, employees, the financial institutions and management and investors, very viable private sector operations competing around North America and the world now: You're anticipating that norOntair would be the same kind of operation that would have potential to develop further, even, is what you're saying today?

Mr Strapp: Yes.

Mr Martin: But you need the time?

Mr Reynolds: Of course, Mr Martin. We've had discussions with these groups, and it is very encouraging to hear people who are in the business start to develop market plans. As everyone in this room should know, Sault Ste Marie is smack right in the middle of this country and can be a major distribution point not only for freight but for courier services etc. It's also smack right on the US border, and it can be a distribution point to major metropolitan areas in the United States. It's very encouraging when you hear people with such plans and it becomes awfully frustrating when you hear that they won't have the time to implement these plans.

The Acting Chair: Mr Strapp and Mr Reynolds, I'd like to thank you very much.

Mr Martin: If I might, Mr Chair, I'd like to place a motion before the committee. I move that this committee request the Minister of Northern Development and Mines to delay the decision to withdraw norOntair service to 17 northern communities and instead allow the employee group in Sault Ste Marie to work with the private sector, ONTC and the provincial government to develop an

alternative air passenger service which will continue to provide quality air service to the communities now benefiting from norOntair service.

The Acting Chair: Mr Martin, I respect your motion and I'm going to ask that we defer that motion until after lunch and we will debate it, because there will probably be some significant debate on it. Would you allow us to defer it to after lunch?

Mr Martin: Yes.

The Acting Chair: Thank you very much.

Mr Bob Wood: Mr Chair, on a point order: You might encourage this to be done at 4 so we don't back up the other presenters, if Mr Martin doesn't have a problem with that. We otherwise have all these people running behind.

The Acting Chair: Would it be possible then to allow only an hour for lunch and reconvene at 20 to 2?

Mr Bob Wood: It isn't for me, unfortunately. I'm stuck with things in between.

The Acting Chair: All right, that's fine. That's fair.

Mr Martin: I would want it put as soon as we get back from lunch. This is really important and is of an essential nature.

Mr Michael Brown: Mr Chair, I do think that this motion will generate a significant amount of debate, and I would just want to point out to the committee that this is a major issue in northern Ontario. It affects communities large like Sault Ste Marie and small like Gore Bay, and we'll need some time to adequately talk about this.

I'm quite prepared to deal with it whenever the committee believes would be the appropriate time, but certainly we need adequate time, and I don't want to take that away from any of the presenters. I can foresee that the ONTC just being here for half an hour is not going to be adequate whatever to our party and that it may take longer than that. We'll find out if the government has any degree of seriousness about this issue and whether they will permit that.

So when it's debated I don't particularly care, but I believe it needs an adequate amount of time for us to try to make an impression on a government which appears to have made this decision behind closed doors on November 29 with some whiz kid out of Harris's office. I think it's a done deal and it was a done deal back then, but nevertheless I think we should do our best to try to make the case and try to save some semblance of air service for northern Ontario.

The Acting Chair: Respecting all three parties' points of view, we've had the motion now read into the record, correct? So it is on record, and the Chair will suggest that we defer the debate and discussion of the motion to after lunch. We can think about it during lunch, and if we see after lunch that it's going to take a significant amount of time, then we might want to defer it to another time. We'll allow that one hour or one hour and 15 minutes to do some thinking. Yes, Mr Leadston?

Mr Leadston: Mr Chair, I think it's important to the individuals who will be appearing this afternoon to maintain the time frame that we have set for them. We heard this morning some of them had to make flights, and I think it's really inappropriate to put the groups and the individuals who are coming this afternoon at some risk in terms of their travel plans.

I'm not opposed to debating the question. Perhaps we could do it at the conclusion of the meeting, after we've given the individuals and the groups their allotted times, the times that were agreed upon with them—and they obviously made travel times based on those times—and then have a full and open and frank debate at the conclusion of the meeting.

The Acting Chair: I respect that point of view. Some of us have travel commitments right after the last presentation though, I know, in all three parties.

Mr Martin: I would suggest to you that the people who are presenting this afternoon will have just as intense an interest in this as we have in this motion being put, because it's a little lifeline that's been thrown out now that we might want to grab hold of in terms of this service. So I would say, let's have lunch. Let's come back at 2 o'clock and at 2 o'clock we can decide when it is that we want to debate this motion.

Mr Michael Brown: Just on that, I would suggest that certainly the permanent Chair of the committee would be able to make the appropriate decision.

The Acting Chair: That's right. Exactly.

Mr Bob Wood: Only with the majority of the committee. It comes down to—

The Acting Chair: By the majority of the committee, that's right. Might I suggest that we reconvene at 2 o'clock and that the subcommittee will meet right after?

Mr Strapp and Mr Reynolds, I thank you very much for your presentation.

The committee recessed from 1240 to 1403.

The Acting Chair: I call the committee back to order.

The first item of business is to debate a motion that was presented before lunch. Mr Haavaldsrud, I'd ask for your indulgence with a little bit of a delay that will take place. We apologize for it. This motion emanated from a previous presentation. We thought it would be best to at least debate it at this time. So I'd ask the clerk to read the motion again.

Clerk of the Committee (Ms Tannis Manikel): Mr Martin moved:

"That this committee request the Minister of Northern Development and Mines to delay the decision to withdraw norOntair service to 17 northern communities and instead allow the employee group in Sault Ste Marie to work with the private sector, ONTC and the provincial government to develop an alternative air service which will continue to provide quality air service to the communities now benefiting from norOntair service."

Mr Martin: Given that there is a lot of activity happening out there around the possibility of some pulling together of the resources that are available to guarantee in a more concrete way the kind of service that these 17 communities and perhaps others in the north have enjoyed and would like to further develop as their communities develop, as their economy develops and as the economy of all of northern Ontario develops, it seems to me that, one, we're really rushing this thing.

If you heard the presentations that people have made so far, everything has been done almost at breakneck speed. November 29, there was an announcement made

that ONTC was going to be losing some of its subsidy. Subsequently out of that we found out that norOntair was the main target, and then there were some deadlines trotted out. People just had a hard time getting over the initial shock and trauma of the thing, to get their heads around this. There was a flurry of meetings. There was a group that met of the small communities that were affected. There was another group of the small communities and large communities together. There was a mayors' task force group along the Timmins-North Bay corridor.

Because the north is so massive and large and because at this time of year transportation, as we're talking about here, is challenging, it's been hard to sort of get it all together so that we could put something on the table that this government could look at that would be perhaps in the better interest of the north than what they're doing now, which is really a fire sale of the assets. That basically is what I understand is going on unless I'm told differently, a fire sale of the assets and then an opening up of the field so that the private sector will come in. We've heard today that the private sector is going to come in to the more lucrative communities—mind you, in some instances to the more lucrative communities with more subsidy, not necessarily from ONTC but from MNDM now. So we're talking subsidy anyway and I think you want to move away from subsidy. That seems to be the bottom line in all of the presentation the government is putting forward.

We have developing out of Sault Ste Marie, I would say, because that's where the employees are mostly located—and there has also been some private sector interest shown from some people who have made contact with the employee group out of Sault Ste Marie to maybe offer another alternative very similar to the restructuring that happened at Algoma Steel and St Marys Paper in Spruce Falls and Ontario Paper in Thunder Bay. That is private sector in nature, but it includes more players and therefore brings more resources to the table and has proven so far to be effective and profitable and not to be a drain on the provincial purse, which you don't want, and really, if we can do it without doing that either, we don't want. What we want is stable, dependable, long-term transportation opportunities for the people of the north, whether that be by air or train or road. As you've heard told here, that is challenging at best up there given the distances and the weather and the topography that we have to go through.

Maybe we could get some clarification from Mr Wallace or somebody on this. There is I believe a proposal at your table that doesn't fit the terms of reference of the request that was made for proposals that you've perhaps looked at but you're not including in the tendering process, one that we think is worth looking at but will require, though, the minister giving you the kind of time you would need to see how that fits and if it is something on which you could in the end get a buy-in from all of the major players in the north. I'd like to know if that package is there and if you're looking at it, what the status is and how it fits with the request for tenders on the equipment and so on that's there.

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The Acting Chair: I'm going to have to rule the inquiry out of order. He's not a witness. He will be a witness later on and that question may be appropriate at this time, but right now could you put things through the Chair?

Mr Martin: Sure. I'm sorry. Let me suggest that the package is there and it needs to be looked at and there needs to be some discussion ongoing. Because the other thing that's happened in the meantime is the mayors from across the north, particularly those affected most directly, including my own, gathered in Sudbury last week and met with the minister, and the minister struck a task force of those mayors, a small group of them, to look at alternatives and to make some recommendations. So if you're striking a task force and you're asking them to do some work, it seems to me that it makes sense that you give them the time to do that.

I say this not in a way to be adversarial or in any way negative, but we who live in the north and represent the constituents of the north and have some real, genuine concern about this particular piece of the transportation infrastructure in the north are asking you to do nothing more than to ask the minister to give us a bit more time to work this thing out so that we might come up with the best solution in the end. Given that we have to factor in the whole question of competitiveness and the contribution by the government that, from what we heard this morning, is going to be there as it stands now anyway in some shape or form, we might have something here that could play out in the end to not cost the government anything. As a matter of fact, if we were to believe Mr Reynolds this morning, and I have no reason not to, this particular little enterprise has the potential to even be more contributory to the northern Ontario economy if it's allowed to sink roots and grow.

Those are my comments. I'm asking you to consider it and to vote with us to ask the minister to give us a bit more time so that we can flesh this thing out and look at it in a way that allows us to see the pluses and the minuses and see if in the end it is the best alternative given the direction that's in front of us today.

Mr Michael Brown: I'm pleased to indicate my support for Mr Martin's reasonable motion today. His motions aren't always reasonable, but this one is, Tony, so thank you.

As we go back through the events since November 29 around this, it becomes very clear to most of us that the government's only agenda here is to get rid of norOntair. That appears to be the agenda. Whether it provides service as the most cost-effective carrier doesn't seem to be a question. The level of service doesn't seem to be a question. Which communities get service doesn't seem to be a question. What really is the question is, should we have a crown corporation doing this or not?

The government unilaterally decided it shouldn't be. They also decided that the time lines would be impossible to meet, that no one would have any opportunity to look at this as a system rather than just as a number of various routes. The government has not indicated that each of the stops that norOntair presently services will be serviced. Nobody has asked any of the questions that I think

northerners have been asking now since November 29. Most northerners, I would say, are very offended at the way this process has unravelled.

You would have thought that if the government had some intention of providing service, not just for a week or two or three months or four months but on an ongoing basis, what they would have done is put this system at least out to tender, and that the people at norOntair would have had the ability to bid like anyone else. But none of that's happened. I have a community that will get no air service. I have one other community that will get substantially less air service in terms of scheduled service, and that's just not on for the people I represent.

So what Mr Martin is saying is: "Look, get your act together. Decide what your policy is. Do you believe that Gore Bay should get service? Do you believe that Elliot Lake should get service? Do you believe Chapleau should get service? Do you believe Hornepayne should get service? Do you believe that, and what steps are you going to take if you decide they should? Do you believe it should be done as a system? Do you believe one carrier would do it better? Do you believe that in two or three segments it could be a system, one in the northwest, part in the northeast?" I don't know. We don't know what you're thinking. All we know is that you unilaterally, under the cover of a financial statement, instructed—be clear about this. The minister instructed ONTC to get rid of norOntair.

Mr Len Wood (Cochrane North): Mike Harris.

Mr Michael Brown: Quite clearly that's what's happened and to date we have not seen any reason to believe that the government really cares about providing service to these areas, except for this morning, Bearskin, in their presentation, surprised everybody by telling us that the ministry, not ONTC but the Ministry of Northern Development, is going to subsidize a community for air service that isn't even one of the 17 now being served.

Mr Preston: On a point of order, Mr Chair: That's not what was said today.

Mr Michael Brown: That's exactly what was said, and it's not a point of order. You're just as rude as ever over there.

The Acting Chair: It's not a point of order. It is in fact what was said this morning. Go ahead.

Mr Michael Brown: So what I'm saying to you, as Mr Martin was just saying, is that given the lack of any direction from the government, given the lack of any kind of commitment to northern communities, to northern employees, we had a very interesting proposal from, I believe, the people in Sault Ste Marie on how this could be an expanding industry which would actually create jobs, cost the government nothing. All Mr Martin is suggesting is that we take a couple of months and have a look at it. But there is no confidence in any of my communities or any of the other communities I've talked to through the north that there will be air service for them tomorrow, the tomorrow after March 29, and that even if there is, it will continue six months or 12 months or 18 months down the road. It looks to me like this is just a way for the government to say: "Oh, well, it was somebody else's fault. It was Bearskin's fault that they cancelled that run. We had nothing to do with it."

The politics of this is just unbelievable. All we're asking is that you approach this rather critical issue for northerners in a businesslike way. Show some confidence, show some direction. Therefore, we will be supporting Mr Martin.

Mr Fox: Mr Chairman, I suggest we proceed with the rest of the presentations so that perhaps some of the questions that the opposition members say haven't been asked could be asked and we could have a clearer idea of what we're dealing with here today.

The Acting Chair: Mr Fox, your point is well taken, but we're in the middle of a discussion of a motion, and that's impossible unless the mover would defer.

Mr Martin: Actually, Mr Fox, I think that might be a good idea, because we have some people coming in front of us who may have some further information to contribute. I would suggest, as well, Mr Fox, if you're serious about considering this, that you might want to send somebody to maybe check it out with the Ministry of Northern Development and Mines to see if they'd be interested and give some indication that it wouldn't be something that they'd totally and absolutely object to, which is the extended month or two that would be required, so that at the end of the day we would have that information as well as the information that we get from Mr Wallace and Mr Haavaldsrud and Mr Kelly.

The Acting Chair: Mr Martin, are you suggesting then, on Mr Fox's recommendation, that you're going to be asking for a deferral?

Mr Bob Wood: I'd like to make it clear that at the end of the day we are not going to support this motion.

Mr Michael Brown: Perhaps you could give us a vague reason why.

Mr Bob Wood: I'd be pleased to do that, but I'd rather do it when we—I don't mind postponing it to the end, but I don't want—

Mr Len Wood: That's southern Ontario shitting all over the north again.

The Acting Chair: Could I please finish with Mr Martin and we'll go to you?

Mr Bob Wood: Yes. I would like to make a submission before we get totally off this.

Mr Martin: If that's the stance of your caucus, Mr Fox, then I'm willing to put it off till the end of the day for a vote so that we can hear from the others and perhaps ask those questions so there will be more information on the table, so that maybe you in your wisdom and your concern for the north might be willing to actually vote for this. I would hope that might be something that would be within your realm as an independently elected member who was elected by constituents who maybe have some friends and relatives in northern Ontario, and perhaps because of that have influenced you re this whole question.

It is so fundamental to the future of all of our communities that we have good transportation services—air, road, railway—and we have to do everything within our power to find a way to do it in a cost-effective way. That's all we're asking here, a little bit of time so that we can look at all the factors, consider all of the proposals and ideas that even the mayor's task force is going to have to look at, because if in fact we're going to continue

down the road that we're on now, which is that partway through March the tenders are open and at the end of March norOntair disappears, these folks, the mayor's group, will have met for nothing too. They'll have wasted a lot of time and gas and energy going across the north meeting and coming up with proposals in the end, because norOntair and the assets that are there and the goodwill that goes with that and everything else is going to disappear.

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All I'm asking for today is a bit more time to consider those factors. Maybe by the end of the day we will have others, Mr Fox, who might have the independence of mind to go against the grain here and vote with us in this instance. If that's the case, then I'm certainly willing to move with Mr Fox's recommendation to hold on the vote here until we've heard from those deputants.

The Acting Chair: Then I guess it's a motion of deferral to the end of the day. That's without debate, so I'd ask for the vote. All in favour of the deferral? Carried.

Mr Wood, would you like to wait to make your comments until the end of the day?

Mr Bob Wood: Yes. I didn't want my friend to proceed on a misunderstanding as to what our position ultimately was going to be, which is why I was rude enough to interrupt you, and I apologize for that.

The Acting Chair: It isn't a problem, Mr Wood.

Mr Leadston: I think it's obviously against the parliamentary rules of procedure and it's highly inappropriate to use profane language in this legislative setting. It's a standing committee. I would hope the member would apologize, or at least acknowledge the inappropriateness of his comments.

Mr Len Wood: If I offended anybody—

Mr Leadston: You obviously have.

Mr Len Wood: —I will withdraw that particular word. But I will say clearly that Mike Harris is a disgrace to northern Ontario because he's the one who directed norOntair to shut down and sell off those planes so that Bearskin would be able to get more passengers. Bearskin is a disgrace as well because they have refused to come into northeastern Ontario and pick up the routes that norOntair has let go. It gets people very angry when we see some people from southern Ontario supporting Mike Harris destroying northern Ontario.

The Acting Chair: Mr Wood, thank you for your comments. I think now it's time to go back to the agenda and proceed with it. I will relinquish the chair.

OLAV HAAVALDSRUD TIMBER CO LTD

The Vice-Chair: Mr Haavaldsrud from Haavaldsrud Timber Co in Hornepayne. Thank you for coming today.

Mr Grant Haavaldsrud: My name is Grant Haavaldsrud. I'm the human resources manager for Haavaldsrud Timber Co, Hornepayne, Ontario. It's my first time in front of any committee such as this so I'm a little nervous. I hope that doesn't come through too much. I'll just go directly into my presentation.

The Ontario Progressive Conservative Party is taking an aggressive approach towards deficit reduction. It is an approach that is both timely and necessary. Many of the legislative changes will help to ensure economic stability and eventual growth throughout the province. One such change, however, could seriously threaten the health and prosperity of communities in northern Ontario.

The government of Ontario has cut provincial funding to the Ontario Northland Transportation Commission by $10 million as of 1997. The ONTC, in turn, announced the closure of norOntair as a non-commercial air service that provides freight and passenger air service to communities within northern Ontario by March 29, 1996.

Many of the affected communities have been serviced only by this one carrier. Hornepayne, for example, is dependent upon norOntair for the continued operation of its airport. Although many of these communities will be accommodated by alternative air carriers, Hornepayne is one community viewed as being "profit-challenged." It may simply not have the amount of traffic necessary to sustain private air service.

Without a commitment from the provincial government to maintain air services to remote communities such as Hornepayne, the local municipality will have difficulty in justifying the expense of operating an airport solely from municipal funds. The local ratepayers will bear the cost of maintaining an airport whose only customers are the occasional recreational user and Medevac. A declining population base will further hinder Hornepayne's ability to keep this airport operational.

We simply cannot allow the closure of the airport. It will not only mean a loss of a mode of transportation, Hornepayne will lose access to an essential service: the Ministry of Health's air ambulance. The government must consider the impact norOntair's loss will have on the affected communities in northern Ontario, whose infrastructure is not healthy enough to accommodate radical reform.

Air service in northern Ontario, and more specifically in Hornepayne, is an essential service that must be maintained. Without a scheduled air carrier, health care provision will be gravely jeopardized, tourism revenue will decrease, existing business will experience increased loss, and economic development and diversification, so essential for the continued viability of small, isolated communities such as Hornepayne, will suffer.

The township of Hornepayne is situated in the district of Algoma, approximately 410 kilometres northwest of Sault Ste Marie, 97 kilometres north of White River, on a secondary highway which links Highway 11 to Highway 17. Established in 1928 to provide a midpoint refuelling and servicing station for the railroad, Hornepayne has from the outset been subject to issues related to its location.

In figure 1, it's evident how large an impact transportation has upon the residents and businesses of Hornepayne. Sault Ste Marie and Thunder Bay, the largest communities in the region, are a five-hour drive away. The nearest surgical hospital is located in Hearst, a one-and-a-half hour drive. The nearest movie theatre is three hours away in Kapuskasing. Hornepayne is an isolated community.

With a population of only 1,544, a labour force of 935, the town must rely upon the provincial government to

supplement municipal revenue. In 1990, a new health care facility was built through a provincial grant. A new Catholic school was built in 1994, again with government funding. The provincial government has helped fund many projects in and around Hornepayne to aid in the social and economic prosperity of the community. With the proposed municipal funding cuts, towns like Hornepayne will rely even more heavily upon the government to ensure services are available to the residents.

The Ministry of Transportation of Ontario has announced funding cuts to the local municipalities for airport operations. In 1995, municipal airport subsidy payments totalled $34,800. The current proposal for 1996 will see that figure cut in half, and by 1997, this funding will no longer be available. All costs of operating these airports will be borne by the municipalities in which they reside.

Currently, there is capital funding available for the upgrading and maintenance of municipal airports through the airports capital assistance program. This funding will be denied Hornepayne, however, should the airport be unable to procure a scheduled air carrier. Much of the upgrading is necessary for the continued operation of the airport and includes repaving the runway surface and the installation of updated lighting. If this funding is denied, municipal ratepayers will be forced to cover its cost in order to keep the airport open. At an estimated cost of $1.8 million, Hornepayne may not be able to generate the capital necessary for its completion.

If Hornepayne is unable to attract an alternative air carrier, its loss will seriously impact the community. With the possibility of employment loss related to operational changes to the Canadian National Railway, many residents have expressed a desire to relocate. Additionally, there has been a potential loss in new residents due to Hornepayne's apparent instability. Without government intervention, many of the services now available to the residents of Hornepayne, including air service, may be lost as the community's population declines.

The Olav Haavaldsrud Timber Co Ltd is a family-owned, family-operated lumber manufacturer located in Hornepayne, established December 8, 1954, by Olav and Elna Haavaldsrud, two Norwegian immigrants. We've been in operation for over 40 years. The company directly employs 150 men and women in the forestry sector. Although small in comparison to many, the Olav Haavaldsrud Timber Co Ltd is the second-largest employer within Hornepayne, directly employing 10% of Hornepayne's population with spinoff employment throughout the region. Canadian National Railways, the town's largest employer, provides work for over 275 people.

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Lumber produced on site is shipped via rail and truck to southern Ontario wholesalers. Wood byproducts such as chips and sawdust are shipped by rail to QUNO Corp's pulp and paper plant in Thorold, Ontario, and by truck to regional companies such as James River in Marathon and Domtar in Red Rock. The cost of doing business is heightened by escalated transportation expenses.

As an employer, attracting skilled labour to remote communities such as Hornepayne hinges upon the services the region is capable of providing. Issues such as education, recreation, housing and health care are investigated by prospective employees prior to any formal commitment. One of the largest factors, however, is the distance from larger cities and family members. Having a scheduled air carrier within the community can often be a key selling factor in luring new employees to the region.

Additionally, the Olav Haavaldsrud Timber Co Ltd relies daily on the air service that norOntair provides. Given Hornepayne's remote location, it can often take weeks for inventory replacement through ground carriers. While machines are idle waiting for replacement parts, the company's productivity suffers, jeopardizing their competitiveness.

Recent winter conditions have further emphasized the need for reliable air service. Highway closures between Thunder Bay and Hornepayne and between Sault Ste Marie and Hornepayne have been exceptionally frequent. Delays in the reception of mail and courier packages have resulted from treacherous and often impassable roads.

The accompanying table indicates the amount of norOntair usage for parts and safety equipment replacement during 1995.

As the above clearly illustrates, norOntair has been an integral and vital service to the Olav Haavaldsrud Timber Co. Over $100,000 of parts, safety equipment and replacement inventory was transferred through norOntair to the Haavaldsrud work site in 1995. The same inventory carried by ground couriers would have increased downtime by an estimated 30%.

The norOntair passenger service is used frequently by Haavaldsrud employees, clients and service agents. Many of these clients and service agents are based in southern Ontario. To drive from such locations as Toronto, London and Ottawa can take 12 hours or more. The rail passenger system, from the same locations, takes longer still. It is inconceivable to remain in business with service agents in these areas without an air service in operation.

Additionally, should the municipality decide the operation of the airport is too costly without an air service provider or funding from the government, its closure will mean additional loss to the company. The airport is often used by our company through plane charters for business meetings, the purchase of new machinery or equipment and for harvest site reconnaissance. The Ministry of Natural Resources uses it as a base for fire suppression in the area. QUNO Corp, the sustainable forest licence holder for the Nagagami forest, conducts aerial spraying and harvest site preparation from the Hornepayne municipal airport. All of these services will be lost if our municipality is unable to keep the airport functioning.

The Ontario Northland Transportation Commission was formed in 1902 to fulfil a transportation need among the scattered and isolated communities of northern Ontario. The government of the day, the Progressive Conservative Party, recognized the inherent transportation issues facing these northern towns and established the ONTC to oversee specific remediation.

In 1971 norOntair was founded to service many of these northern Ontario communities in an effort to improve social and economic development. It opened an

avenue to prosperity in communities encumbered with their remote location. The ONTC recognized air service in the north as an opportunity to exercise its mandate: to operate a transportation and communications corporation providing services which will be in the best interests of its customers, employees, the communities it serves and its owners, the people of Ontario.

Throughout the years since its inception, the ONTC has managed to provide this service while coping with continued cuts to its operational funding. Until now, norOntair had managed to stay in operation despite a declining service base and funding reductions. The ONTC continued to adapt its operation while still providing the service that northern Ontario so desperately required. Now, however, the government has forced the closure of this important line of transportation and seriously jeopardized the possibility of air service to communities such as Hornepayne.

The Hornepayne Community Hospital is a non-surgical facility servicing Hornepayne and the surrounding area. Built in May 1990 at a cost of $5 million, it accommodates both acute and long-term patients. The hospital relies heavily, however, upon emergency air ambulance services for transporting acute trauma cases to larger, better-equipped centres.

During the years of 1994 and 1995, the air ambulance was called to respond to medical emergencies on 164 separate occasions, averaging over one call per week. In comparison, ground ambulance services have been used 26 times from April 1995 to February 1996. Winter road conditions have hampered highway travel, potentially disrupting ground service and emphasizing the need for an operational airport.

Many patients having both elective and emergency surgery in larger centres are expected to recuperate on an outpatient basis. Generally, this implies the patient will return home to recover. Potential complications can mean the patient must be transferred back by air to the appropriate hospital. Births are also treated out of town, with many transferred to Sault Ste Marie where surgical staff are located. Although most are transported using ground ambulance services, the air ambulance must be available should complications so necessitate.

NorOntair has also been an important component of the hospital's operations. Through their service, local patients have benefited from organized visits from specialists. It has also proved to be a major selling point for the community in enticing new physicians to the area. One of the north's largest problems with respect to community health care continues to be the lack of doctors willing to reside in these small, isolated communities. Scheduled air service has helped alleviate that problem by providing a solution to transportation issues.

Again, if the municipality is unable to obtain the capital funding to upgrade the airport, it may be unable to provide a suitable landing site for the air ambulance, an essential service within Hornepayne. Additionally, physicians may choose not to relocate to the area given its isolation and lack of scheduled air service.

The two main economic sectors within the north are forestry and mining—natural resources industries—and tourism and recreation—service industries. The natural surroundings of the Canadian Shield lend themselves well to outdoor activities. Hunting, fishing and other recreational activities draw thousands of people every year to the region and contribute greatly to the economy of the area. People come from diverse locations to enjoy the natural and remote experiences available within the north.

With a scheduled air service in place, these people can easily arrive within the area where they can transfer to their intended destinations. Local remote tourism outfitters cater to their hunting and fishing needs. If the air service is unavailable, however, these people may be encouraged to travel elsewhere.

Local economic development is difficult at best, again due to Hornepayne's location. Without a reliable air service, not only in the short term but through the years to come, new business creation will become increasingly difficult. Air service is essential to modern business operation.

Transportation costs have always been a primary issue to companies wishing to create new business in the north. Hornepayne is plagued by its distance from southern Ontario markets or larger city centres. Many of the region's businesses, therefore, have tended to be focused on natural resource development or the tourism service industry.

Innovation is the key to establishing diversification and economic development in the north. Conventional business, beyond natural resource development, is difficult to cultivate in the isolated communities of northern Ontario. Scheduled air service helps to enhance potential economic growth. More importantly, however, a lack of air service foreseeably could impede opportunities for economic development.

Communities within northern Ontario face many adversities based upon their inherent isolation. Because of a sparse and scattered population base, transportation issues are at the forefront of economic and social concerns. The Ontario Northland Transportation Commission was established to identify the transportation needs of the north and take appropriate measures to accommodate them.

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One of the ONTC's solutions was the establishment of a government-sponsored air service. NorOntair helped make many northern Ontario communities accessible where once there was isolation. NorOntair has had an important and measurable impact upon the communities it serviced. The ONTC has indicated that norOntair has fulfilled its original mandate. It has established air travel to isolated communities in the north, improving social and economic development within those remote northern towns.

Once norOntair is gone and communities such as Hornepayne are without air service, will not the mandate of norOntair be relevant once more? The question remains, therefore, how will the government ensure that air service will be maintained once the current system is discontinued?

NorOntair's operations will cease on March 29, 1996. When that happens, many of the large communities once serviced by norOntair will be accommodated by alternate carriers. The smaller, more remote towns, however, face

an uphill battle to secure service they once considered to be a stable resource within the community. If the government is unable or unwilling to provide aid in this endeavour, our fear is that the operation of the airports will become cost-prohibitive in nature and eventually lead to their closure. Another service to residents of northern Ontario, an essential service, will be lost.

The Vice-Chair: Thank you very much. We have about 12 minutes left, so we'll divide that by three, and it gives everybody about four minutes each. We'll start with—where were we, Rick?

Mr Bartolucci: We start with the Liberals, the NDP and the government.

Thank you, Grant, for your very excellent presentation. I have a couple of very, very short questions. In reality, does this mean the slow death of the town of Hornepayne?

Mr Haavaldsrud: I think there are many factors that would comprise what you're asking me. If you're asking if it will have an effect, of course it will. I sit on the economic development committee within Hornepayne, and part of the problem that we're seeing is the dwindling population base that we're having to deal with. Without economic development—and I think the airline is key to that—the possibility of keeping the town viable is becoming more remote.

Mr Bartolucci: The Economic Development Corp, has it been approached by the government with the possibility of the government subsidizing in some way some form of air service?

Mr Haavaldsrud: To my knowledge, the PC Party has been stating that there will be no subsidies for any of these residual communities.

Mr Bartolucci: We found out this morning from a private carrier, from Mr Friesen from Bearskin, that in fact in a community in northwestern Ontario, Atikokan, the government has granted a subsidy to that airline to provide service. How does that make you feel?

Ms Martel: That's exactly what he said.

Mr Haavaldsrud: That's certainly upsetting news.

Interjection: They're negotiating.

Mr Bartolucci: In reality, with all respect due to Grant, the gentleman said that he had negotiated with the government for the subsidy. The subsidy is in place. The service is going to be provided. Grant, I apologize for the interruption. How does that make you feel as a person and a company and a history that has invested heavily in the town of Hornepayne?

Mr Haavaldsrud: It makes me feel very angry. Granted, we are a very small community. I'm not sure what kind of political clout that Atikokan has over Hornepayne or Wawa or any of the rest of the 17 communities in dispute, but I find it odd that one community not even among the 17, I believe, is being subsidized, if in fact that is true.

Mr Bartolucci: Thank you very much, Grant, for your presentation.

Mr Michael Brown: You're a businessperson and, like most business people, understand debts and deficits and all that sort of thing and that you cannot run a province the way it's been run for the last five years. You actually have to balance your books. You have to do that kind of thing or you can't be in business. You know full well that this province used to do that and the last time we had a balanced budget was in 1989, so it ain't that long ago. However, we have some special challenges in northern Ontario and I think you would agree with me that some services are going to need to be subsidized. Communities like Hornepayne, like Gore Bay, like Chapleau are just not going to get services if it's just survival of the fittest. Darwinian capitalism isn't going to work. But would you object to a guarantee from the government that there would be air service; in other words, it didn't matter to the government how it happened as long as it did and they would be prepared to provide a subsidy to the private sector if that would accomplish the same thing for Hornepayne?

Mr Haavaldsrud: I don't think it matters who does it as long as there's some kind of service available to us. Speaking only on behalf of our company, we would entertain service once a week if that were all this government is able to provide. But the thing is that we have to have some kind of scheduled air service within Hornepayne.

The Vice-Chair: Thank you very much, Mr Brown. Your time is up. You did really well. You go second all the time. The New Democrat caucus.

Ms Martel: Mr Haavaldsrud, I'd like to thank you very much for an excellent presentation which touched really on all of the items that we as northern representatives in some of these communities have great concerns about: health care recruitment and retention of professionals, economic development etc. You said to us that your company employs 150 people directly. Tell me about the wealth creation that you generate on an annual basis from your company.

Mr Haavaldsrud: Are you asking what we produce?

Ms Martel: How much wealth do you contribute to the economy of Ontario as a consequence of operating?

Mr Haavaldsrud: I don't know exactly what that would be. Well, last year we produced 53 million board feet of lumber directly sold to southern Ontario, so it's maintained within the province. I would estimate it's in the tens of millions of dollars.

Ms Martel: So you make a significant contribution to the province both in terms of what you create, which is used in southern Ontario, and the people you employ. Do you think it's too much to ask then from this government that a little bit of that comes back to your community in the form of scheduled air service to make sure you can continue to operate?

Mr Haavaldsrud: Our stance has to be that air service is maintained. What I see happening if this air service is denied us? Back to what we were talking about earlier, I think the possibility for economic growth and development is going to decline to the point where there won't be any in Hornepayne. If I could be allowed the latitude, I think part of the PC government's vision is to perhaps see some of these communities self-sufficient, but if we are not allowed the tools to become self-sufficient, then we'll never get to that level.

Ms Martel: In your own particular company, you mentioned that if your inventory had had to be moved by ground transportation, that would have meant a downtime

for your company of about 30%. What does that represent in dollar figures? What's the loss there to your company by having that occur?

Mr Haavaldsrud: It's a little difficult to say because if you're talking about a part for the woodlands department or a part for the sawmill, there are different costs related to those. Our average wages are pretty well standard with every other company in the same sector, so we have to deal with competitiveness with those companies. If we're down 30% longer than those other companies, then that's certainly a competitive advantage that they have over us.

Ms Martel: It puts you at a distinct disadvantage, in other words.

Mr Haavaldsrud: That's right.

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Ms Martel: You sent a very good letter to the Premier, which was dated December 14, 1995, and you outlined some of the concerns that you were good enough to outline to the committee today. Specifically, you asked the Premier two questions:

"Mr Premier, what will your party do to ensure that air service into the isolated community of Hornepayne is maintained? If the answer is privatization, then what guarantees can the Progressive Conservative Party provide to ensure the continuation of services, beyond the short term?"

I wonder, Mr Haavaldsrud, have you received a reply from the Premier with respect to this very important letter and issue?

Mr Haavaldsrud: I received a form letter thanking me for my input.

Ms Martel: Did it give you any sense that Mike Harris, Premier of the province, formerly from northern Ontario, cares one whit about what's happening to norOntair and what that means to you in Hornepayne?

Mr Haavaldsrud: It's difficult for me to speak on behalf of the Premier, but the response I got was not indicative of someone who is concerned about it.

The Vice-Chair: That's it. Your time's up. We'll move then to the government caucus.

Mr Fox: I want to commend you on your report here today; it's excellent, very detailed. The first question I have is, how often do you have flights now going in and out of Hornepayne?

Mr Haavaldsrud: I believe it's a daily service.

Mr Fox: You mentioned in your statement that even if you had weekly service, it would be something to you.

Mr Haavaldsrud: Yes.

Mr Fox: The other thing is, without the ONTC, do you still have helicopter emergency service?

Mr Haavaldsrud: As far as I know, we don't have a heliport in the area.

Mr Fox: You don't. So you'd absolutely have no service if you didn't have this.

Mr Haavaldsrud: That's right.

Mr Fox: So how would you handle emergency cases then? Because you've got to get them—the nearest hospital other than your own is Sault Ste Marie?

Mr Len Wood: They would just die.

Mr Fox: Answer my question, sir.

Mr Haavaldsrud: The nearest surgical hospital is in Hearst. It's a drive of probably an hour and 45 minutes by ambulance or vehicle. That's provided of course that the roads are open.

Mr Fox: That would also be your nearest airport, Hearst?

Mr Haavaldsrud: That's right.

Mr Fox: And we're looking at how many miles away, or kilometres?

Mr Haavaldsrud: I think it's 150 kilometres, something like that.

Mr Fox: It's a fair distance.

Mr Len Wood: If the roads are open.

Mr Preston: I have a question. I don't want you to go away with the wrong impression. There are some people in this room who take a statement, twist it around and turn it into fact immediately.

Ms Martel: That's not true. That is not true.

Mr Preston: Mr Chairman, may I please have my time?

The Vice-Chair: You have the floor.

Mr Preston: Thank you very much. The statement was made this morning that there were negotiations going on regarding subsidies into certain areas in the north. That is fact; I've checked it out. They are going on. What was not said was whether there were any negotiations going on regarding subsidies in other areas that have not been picked up by private enterprise. So don't go away from here with any misconstrued ideas.

Mr Len Wood: Have you got a subsidized—

Mr Preston: Pardon me, sir.

Ms Martel: When are the negotiations starting for the other communities?

The Vice-Chair: Mr Preston has the floor.

Interjections.

Mr Preston: I think maybe I should just wait until it's their turn and yap out drivel like they do. But I don't do that. I take my turn and I allow them to take their turn, but that's not the way they operate.

Yes, there are negotiations going on. Feel confident of that. Thank you very much for your presentation.

Ms Martel: Only with Bearskin and Atikokan, not with anywhere else.

Mr Preston: Like I said, drivel, out of order.

Mr Bob Wood: Did I correctly understand your comments earlier? Let's assume the worst and air service does not continue to Hornepayne. Your company would not move from Hornepayne as a result of that, I take it?

Mr Haavaldsrud: We're based out of the Nagagami forest. Most of the wood that we obtain comes from that forest. It's difficult to think that we would move our sawmilling operation away from that area.

Mr Bob Wood: Do you have any reason to think that CN would move if the worst happened and air service didn't continue to Hornepayne?

Mr Haavaldsrud: I don't know if air service has any effect on the CN at all.

Mr Bob Wood: You have no reason to think that they would move.

Mr Haavaldsrud: I don't, no.

The Vice-Chair: That's the end of the time we have. We want to thank you for coming forward today, Mr

Haavaldsrud. We understand it was a long way to come down for this, but it was really important that you were here, and what you had to contribute was helpful.

Mr Haavaldsrud: By the way, I did fly down.

Mr Bartolucci: Mr Chair, just a point of information before Mr Haavaldsrud leaves: In fact, to clarify the record, indeed what the opposition parties have been saying with regard to the subsidy is what was said this morning.

Mr Preston: By the way, Mr Chairman, while you were replaced as the Chair, the Chair was not unbiased at all. The Chair was very biased and said, "No, that's not what happened." I don't believe that—

Mr Len Wood: You just sound like an arrogant Tory yapping away like that.

Mr Preston: I am, thank you. I'm not a wannabe; I'm in.

Mr Len Wood: You're just as arrogant as Mike Harris and Chris Hodgson are.

GORE BAY-MANITOULIN AIRPORT BOARD OF MANAGEMENT

The Vice-Chair: The next presenter is Mr Bryan Barfoot, a municipal representative from Gore Bay. Would you come forward, Mr Barfoot. I want to thank you for coming today. Proceed.

Mr Bryan Barfoot: Chairman Martin and committee members, my name is Bryan Barfoot. I'm here today on behalf of the municipalities that support the Gore Bay-Manitoulin Airport. I'll provide you with some insight into the effects that the cancellation of norOntair service will have on our community.

I'm an airline transport-rated pilot and a licensed aircraft maintenance engineer. I've been self-employed in the aviation-related business over the past 20 years. From September 1988 to December 1991, I was a principal in the operation of scheduled flight service between Gore Bay, Elliott Lake, Manitoulin East and Toronto Pearson airports. The company was known as Manitoulin Air Services Ltd. As such, I have firsthand knowledge of the costs and the challenges associated with providing scheduled air service in low-density markets.

Our decision to discontinue providing the service was prompted by the economic downturn in 1990, coupled with increased costs due to the addition of GST as well as landing fees at Toronto's Pearson airport in 1991. We tried to provide a high-quality level of service. Our MPP, Mr Brown, used it a fair bit of the time and I think he can attest to the level of service that we did provide. Unfortunately, it was not profitable. In our best year I think we sustained losses in the neighbourhood of $75,000. Due to the demand for the service that we demonstrated, we were able to convince norOntair that there was a market there that it should consider serving, which it ultimately did. They started regular flight services shortly after we discontinued.

There exists a very delicate balance between cost and utilization. That situation existed then and it continues to exist today. Today's return-ticket cost between Gore Bay and Toronto is almost double what we were charging in 1991. In my opinion, this fact, coupled with norOntair flight routings and connections through Sault Ste Marie, accounts for its low passenger loads, which are less than 40% of what I experienced while running the service from Gore Bay.

While I commend the ONTC and norOntair for their high standards and the quality of service they provided, I feel that the restrictions in their mandate hindered them from meeting the needs of many of the communities they served. The announcement in late 1995 by Minister Hodgson of budget cuts to the ONTC was not unexpected, but his announcement that all of the cuts should come from the norOntair division was, to me, unbelievable.

As chair of the Gore Bay-Manitoulin Airport board of management, I prepared and submitted the following proposal to the minister on December 15, 1995. More than 30 letters of support from local interests accompanied this report. I will read it to you. The information contained is still relevant today in my mind, even though the changes have occurred.

Purpose. In response to the Minister of Northern Development and Mines's recent announcement of budget cuts to the ONTC, the Gore Bay-Manitoulin Airport Board of Management presents this proposal for consideration in advance of any decision that will affect the existing ONTC operation.

1500

Background. The Gore Bay-Manitoulin Airport Board of Management includes representatives from the town of Gore Bay and the townships of Barrie Island, Burpee and Gordon. The board is negotiating with Transport Canada for the transfer of the Gore Bay-Manitoulin Airport to municipal authority. This process is in accordance with the national airports policy announced by Transport minister Doug Young in July 1994. We have made considerable progress to date, and a transfer could occur early in 1996.

Progress in these talks by the community of Manitoulin Island to acquire the Gore Bay-Manitoulin Airport leads the regional/local airports in the Ontario region. Our community recognizes the importance of accessibility in support of our business, recreation and tourism industries. The Gore Bay-Manitoulin Airport is a vital part of our transportation infrastructure, and the scheduled flight service provided by norOntair is the only year-round public transit service that is available to Manitoulin Island.

Overview. There can be no question about the need for government to exercise fiscal responsibility. It is not our intention to suggest that it should happen only in areas that do not affect us locally. Our community has already embarked on a course where we have agreed to assume responsibility for the future operation of the Gore Bay-Manitoulin Airport. Until now, it has not been a direct financial burden to the community. The board faces a number of challenges in the years ahead but is confident that a high level of service will exist while reducing the overall cost.

Any decision that would ultimately result in the loss of scheduled flight service to Gore Bay would also destabilize the board's ability to justify proceeding with an airport transfer. The consequences of such a scenario would see the airport closed. Should this occur, the

financial loss to local tourism and industry would be substantial.

Before our provincial government or the ONTC decides what course of action is necessary, we need a thorough review of past events and present conditions. If we work on this together, perhaps we can discover a means of elective surgery that will avoid an amputation.

The norOntair mandate. I make mention of the fact that the board was unable to obtain a written transcript of Minister Hodgson's address to Queen's Park and would stand corrected on any matters that we assumed from media reporting, which was the only information we were able to obtain at the time.

The board remains under the impression that the bulk of the budget cuts should come from Ontario Northland's norOntair division. Apparently, this would allow private enterprise to provide the necessary aviation-related service. While in theory this rationale appears sound, it assumes that private enterprise is ready and willing to provide service to the many northern Ontario communities served only by norOntair. There are a number of examples where private carriers have commenced service to communities served by norOntair and even compete with norOntair. Since the private carriers are unsubsidized, to our knowledge, their only reason for entering a market is for the profit potential. We assume that any community served by norOntair alone does not have sufficient traffic volumes at present to become a profitable point of call for another carrier. There is therefore very little hope for most of the remote northern Ontario communities presently served by norOntair of having another carrier take over if norOntair service ceases.

It is also our impression that the establishment of norOntair was for the purpose of enhancing Ontario's transportation system by providing scheduled air service to many poorly accessible locations. There are a number of examples where the high standards set by norOntair for air travel in the north and their market development has led to the establishment of service by private enterprise. In this regard norOntair realized its mandate, and the communities continue to reap the benefit, even with the withdrawal of norOntair service. Scheduled flights to any community that relies solely on norOntair should remain unless another carrier will provide the service.

Consequential effects. Our provincial government is responsible to the people of Ontario. The citizens they act for deserve assurances that any course of action is properly charted and all consequences are thoroughly considered. For this reason, it is imperative that careful thought be given to the ramifications that could result from dissolving norOntair.

Our provincial government has already announced cutbacks in funding to municipalities and to provincial airport operations subsidies. In order for municipal airports to continue operations, they are forced to cut back the services they provide, increase municipal taxes or increase user fees. Any of these options places the financial viability of the airport in jeopardy. What are the real costs? If norOntair service is eliminated, what are the costs to government if its action results in the closure of these airports? How do you quantify the net cost of job losses, the increased cost to business, the increased cost of providing emergency health care, the losses to tourism and the write-off of capital funds that built most of these airports in the first place?

Is the minister confident that the proposed budget saving will not be offset by even higher cumulative costs to government in other sectors?

Our proposal. In the best interests of northern Ontario and the communities affected by any proposed disruption of norOntair service, the Gore Bay-Manitoulin Airport Board of Management proposes that:

(1) The Honourable Chris Hodgson, Minister of Northern Development and Mines, ensure that no changes occur to the existing norOntair operation until all affected communities are afforded a reasonable opportunity to assess the economic impact his recommendations will have on their community. They should subsequently have adequate time to present their concerns, suggestions and recommendations.

(2) In order for a proper evaluation to be completed with the prospect of concrete suggestions coming forward, complete financial and operational information with respect to the norOntair operation should be made available to those concerned.

(3) A complete written statement from the minister outlining planned or proposed changes to the Ontario Northland budget and operation be provided to those concerned to enable an evaluation based on fact rather than on news media content.

In conclusion, the Gore Bay-Manitoulin Airport Board of Management remains a willing participant in any discussions that are pertinent to maintaining scheduled flight service to Manitoulin Island and connections to the world.

To date, I have received no reply to our proposal, and as you know, the deed has already been done.

In summary, I'd like to present the following observations for your consideration:

(1) Air travel to northern Ontario is not a luxury but a necessity if any form of sustainable development is to occur.

(2) The survival of many northern Ontario municipal airports is in grave danger, given the discontinuance of financial and service support from the province.

(3) The failure of the province to respond to a sincere offer of municipal participation in the decision-making process is not a leadership style that is productive.

(4) The Gore Bay-Manitoulin Airport is set to transfer from Transport Canada to municipal ownership on March 29, 1996, and this date coincides with the last flight of norOntair. As of this date, there is no confirmation that any air carrier will provide scheduled service.

I have one recommendation I'd like to leave that is just a proposed solution. Over lunch today I was fortunate enough to share a sandwich with Mr Martin and learned that other proposals have come forward as recently as the last few days that bear some consideration as well.

Given the importance of air access to northern Ontario for tourism, business, medical evacuation and forest fire control, it is imperative that the province provide continued financial support to those locations left without scheduled air service, therefore ultimately being at risk of closing. The airport authority should have the option of

using the funds to keep the airport open or to attract an air carrier by providing some form of subsidization.

Based on what I've heard in being here today, I also feel that every effort should be given to this 11th-hour opportunity that appears to have arisen. It's in the best interests of everybody concerned that all options be considered before any final decision is made. I would therefore support Mr Martin's motion even though I'm not in a position to do that.

Thank you. I'm certainly willing to answer any questions you may have.

Ms Martel: Thank you very much for your presentation, Mr Barfoot, and for coming from Manitoulin here today to participate. Let me go back to the agreement that you're to sign with the feds on March 29. Tell me if this information is correct. My understanding is that for those municipalities entering into such an agreement with the federal government, if you have scheduled air service, you will have five years of a subsidy, albeit declining, from the federal government to help you operate. If you do not have a scheduled air service, you get only two years. Is that correct?

Mr Barfoot: That's correct.

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Ms Martel: Can you tell me what kind of position that places you folks in, given that in all likelihood you haven't had any serious prospect from any private sector carrier interested in Gore Bay? What kind of position is that going to put you folks in when you sign that deal on March 29?

Mr Barfoot: In our situation, it may not have the effect that you would imagine, based on the time frame that was involved, because we had already gone down the road with negotiations and agreed upon the transfer conditions. It did place a certain amount of pressure on us from a time frame point of view, and it was brought to our attention by Transport Canada that if we did not proceed immediately, they would be in a position to roll back the amount of funding that would be available on a continuing basis. So in a sense our arm was forced, and the board reached a decision that it was still in the best interests of the community to proceed with it, to keep the airport operational.

We still feel we can continue it longer than what Transport Canada would have under the agreement they had. If we had not proceeded and norOntair ceases operation, which it is intended to do, with no other carrier they would be closing the airport a year from now. So as a result, we moved ahead with the temporary measure. The funds will eventually run out and we'll be faced with the decision of closing the airport.

Ms Martel: Can you tell us what that cost might be for the municipality? Have you done the work to assess what it would mean when you have no subsidy left whatsoever?

Mr Barfoot: Yes. We anticipate an annual deficit in the neighbourhood of $60,000 to $70,000 to operate the airport on a continuing basis.

Ms Martel: You said you didn't have any response to date from the proposal you've put forward. I understand the minister had a meeting with a number of community representatives about this very issue in Sudbury on February 23. Were you able to participate or was someone from Gore Bay able to be there?

Mr Barfoot: I was able to be participate. I was not invited, but I did tag along with the municipal representatives who were. It was great to have the meeting but, like I said, it was about two to three months too late in order to accomplish anything meaningful, in my opinion. We're left in a position of trying to salvage something without knowing what our options are.

Ms Martel: Obviously, all of you would have raised the concerns, the concern that Mr Haavaldsrud had would have been raised, people from Chapleau; what did the minister say in response to the very serious concerns that all of you I'm sure brought forward on February 23?

Mr Barfoot: I can just speak for myself. My opinion of his position was that he did make a statement that the communities would not be left without service, at least that was the impression I was left with, but there was absolutely no indication as to how that was going to be accomplished. My feeling was that perhaps he wanted to wait until private enterprise exhausted their consideration of all the airports before anything might be offered as a substitute. That is my opinion.

Ms Martel: Excuse me, it was certainly your opinion that the minister said the communities would not be left without service; is that what he said to everyone?

Mr Barfoot: That was my impression, that somehow service would be maintained, although again maybe I'm just speaking out of turn for what he may have been thinking. It may have been that he felt private enterprise would come in and serve them.

Ms Martel: Did he give any indication as to whether or not he might be interested in providing a subsidy to Chapleau, to Hornepayne and to Gore Bay much as he intends to provide a subsidy to Atikokan?

Mr Barfoot: Absolutely none.

Ms Martel: No commitment?

Mr Barfoot: Not other than him saying that the communities would have air service.

Ms Martel: But left you no idea about how that was going to happen.

Mr Barfoot: Exactly.

Ms Martel: I understand that he wanted ONTC to set up a working group to work with some of the communities and sort this out. Has that meeting occurred yet, to your knowledge?

Mr Barfoot: The committee has been established. I'm not part of it. I think there are about four communities that are involved in it, and to my knowledge there hasn't been a meeting yet, or if there has, I have not received notice of it.

Ms Martel: Do you know, at the meeting that you were at, whether the minister gave any direction to the representatives, at least from ONTC, about how this should be worked out and what he as minister was prepared to do to make sure those communities had air service?

Mr Barfoot: Not in detail. It was just more of a starting point to have a forum between all concerned parties.

Ms Martel: So we're rather late in the day, though. We're mid-March now and the end of the service is

March 29. Do you have any hope that unless the government puts an offer of subsidies on the table right here and now to those three communities, you're going to get any kind of air service?

Mr Barfoot: Certainly not to Gore Bay. As I've explained, I ran the service. I know what the challenges are and what it takes. It was not profitable, and I don't think we could have run the same level of service any more economically than we did. I don't know how you'll ever entice someone to come in and put $75,000 or $100,000 of their own money out on an annual basis.

Mr Len Wood: Going back to I guess November and December, when I started asking a number of questions as to what was going to happen if you continued on the route—I've talked to the Premier, I've talked to the parliamentary assistant and I've talked to the whip of the Conservative caucus—they're all telling me that the private sector is going to come in. The reason why they're directing—this came right from the Premier—Chris Hodgson to shut down norOntair is because you're stealing passengers away from their airline, knowing full well that I was talking about northeastern Ontario and Mike Harris and the other ones are talking about northwestern Ontario, where there might have been some competition. But I was left to believe they had a solution, that before they would fire all the pilots, sell the airplanes and scrap everything, they would have a solution for some of these communities that are feeling very down-and-out. Did you have a comment on that?

Mr Barfoot: I agree that it certainly would have been nice, and we certainly felt we'd opened the door to discuss it. We had some ideas as far as operating the airport. As soon as it came under municipal ownership and operation, we were going to roll back landing fees, which were raised exorbitantly about a year ago. We see the benefit of the scheduled air service and we were going to do everything on our part to encourage it, to keep it operating.

I had proposed—this was in our own group—that we should form a working relationship with norOntair and become a marketing agent for them within the community. Instead of charging them a fixed rate for providing a service for an agent fee, it would be on a percentage basis. The incentive was there for us to go out and market the service, and they knew that their costs were directly related to the revenues they were getting. But we weren't afforded that opportunity, unfortunately.

Mr Ed Doyle (Wentworth East): Thank you very much for your information. It's pretty useful.

I wonder if you can tell me, sir: At the moment, and when you don't count Gore Bay, where is the closest air service to Gore Bay right now?

Mr Barfoot: It would be a toss-up between Sudbury and Elliot Lake, if Elliot Lake has service. It would be a two-and-a-half-hour drive at least to Sudbury.

Mr Doyle: One of the things that has been mentioned, and it was mentioned earlier, is the concerns about air ambulance service, medevac and so on. There was an impression left in the last presentation that there was no heliport, but you can still land a helicopter at an airport, so I don't think we should allow—

Mr Barfoot: If I might comment on that, though, the cost factor is of concern as well. Being in the business, I know that a helicopter will cost three to four times as much per hour to operate as a fixed-wing aircraft. So to access some of the more remote locations, that's the reason the fixed-wing contract emergency health care system is in place, with private carriers providing that service.

Mr Doyle: You, of course, are an ATR yourself, are you not? Is that what you said at the beginning?

Mr Barfoot: Yes, I did. I was involved in medevac service as well with Manitoulin Air Service. That was part of our approach to supplement the scheduled service with revenues through the medevac service, but the volume wasn't—

Mr Doyle: I'm sorry. Who was it that you operated with, yourself and—

Mr Barfoot: Manitoulin Air Service Ltd was the company that we operated. It provided scheduled service between Manitoulin and Toronto.

Mr Doyle: You had mentioned, of course, that it was too costly to operate and norOntair subsidized service came in and filled the gap when you were unable to continue. Am I misunderstanding that?

Mr Barfoot: No. That's correct.

Mr Doyle: Basically, you have some concerns that without norOntair, a private service may not come in?

Mr Barfoot: I don't know who would. Certainly, there are companies out there that are looking at it. None of the ones that seem serious have got any background or experience in providing scheduled service. They may be a charter or a freight carrier, and I feel that they'll go through the same learning curve that I did and that others have in trying to provide this type of service, and it won't last.

Mr Doyle: You had mentioned a concern about landing fees having gone up about a year ago. You have other very serious concerns, I would assume, about the high cost of fuel, for example. Fuel for aircraft is an extremely expensive thing, is it not?

Mr Barfoot: Oh, it is; there's no question about that.

Mr Doyle: Do you feel there's any way through privatizing that perhaps things can become more efficient in some way, some shape, some form, so that perhaps somebody who has not been in this business may take the plunge and try to get into it, and hopefully with privatization that—

Mr Barfoot: We were serving Gore Bay, Elliot Lake and Manitoulin, these three airports, in order to get the volumes we felt we needed. At the time, we were competing with norOntair out of Elliot Lake, although their flights were running east-west, Sudbury-Sault Ste Marie, and our flights were direct to Toronto. But I feel if it was possible to do it and make it viable, I'd still be in the business.

Mr Doyle: You wouldn't venture to try to get into it again in any way, shape or form?

Mr Barfoot: Absolutely not, unless there was some means to ensure that the shortfall was covered. We already lost over $100,000 in the venture, and I'm certainly not keen to go out and do that again.

Mr Doyle: Okay, sir. Thanks very much.

1520

Mr Michael Brown: Thank you for coming down, Mr Barfoot. I don't think perhaps the committee fully understands your expertise in this field. I don't think we've had anybody more qualified come before the committee, somebody who's actually done it. You've run these air services, and I would concur with your remark that it was an excellent service and I was probably, next to one local company, your best customer when it was being provided. So I can attest to the fact that as a private operator, this was about as well done as it could be, and yet it still couldn't make any money. So we'd have to gather from that that the private sector on its own would not, could not, operate from Manitoulin Island to anywhere, for that matter, at a profit on a scheduled service. That's what we're hearing from you?

Mr Barfoot: Exactly. That's my opinion.

Mr Michael Brown: I think it's more than your opinion. It's a fact of life, because there have been other carriers besides you that have tried it, and the low density of traffic won't do it. You have taken on a considerable challenge as a community in your contracts now with the federal government in taking over the federal facility at Gore Bay, or actually Gordon township, which I hear you saying is going to be that much more difficult without a scheduled air carrier coming in. How much more difficult, I guess, is my question.

Mr Barfoot: The difficulty arises, of course, in at some point within the next few years convincing the taxpayers that they should be supporting this airport financially and picking up the shortfall. Certainly when there's a public service there that's available to them, whether they use it or not, it becomes a lot easier to justify each taxpayer committing $10 or $15 a year towards supporting the airport. Without that, they in most cases view it as a facility for the private pilots who are rich enough to own an airplane, so why should they support it? It's going to be a very tough challenge to convince the taxpayers that this is something they should continue supporting.

Mr Michael Brown: Anybody who's familiar with the area would know that we have one of the lowest assessments around as far as real estate assessments. There isn't a whole lot of industrial or commercial assessment around for municipalities to tap into. We, unfortunately, in the Manitoulin district probably have one of the lowest per capita incomes in all of Canada, not just Ontario. So we're looking at a situation where to go out and get it from the community is not highly likely. I think you'd probably concur with that view of the world too.

Mr Barfoot: I do. Certainly, when we started negotiations for this transfer, the provincial annual subsidy was still in place and it was proposed to be available to us once the Transport Canada term expired. Since negotiating started, of course, that has disappeared, so it has shortened the term that we feel we can continue to operate the airport.

Mr Michael Brown: I'm surprised that the government members haven't made this argument, but it would seem to me that the argument the government would be making at this point is, once the 30% income tax cut is in effect, our economy on Manitoulin Island will be so buoyant that you will be able to support your airport without any problem and there will be private—maybe Air Canada will come in. Maybe I'm a little facetious with that. But can you believe that this kind of policy—because you have to remember, they're talking about $5 billion, borrowing $20 billion during their mandate in order to take a few bucks away from the government air service. In a serious manner, do you think the 30% tax cut will provide the opportunity for people to be flying more often and make a private sector operation viable?

Mr Barfoot: Absolutely not, because there won't be a service there.

Mr Michael Brown: And never will be. Right.

Mr Bartolucci: Just one question, Brian. Earlier on you alluded to the group that was established after the meeting with the minister. It's my understanding that the group has met once but that they're so concerned about the time line because it's so short. Could you just read for us the point you made earlier, why you think it's essential that members of all parties support the motion that Mr Martin has put forward.

Mr Barfoot: Right from the onset, as soon as the announcement was made and we picked ourselves up off the floor, there was an urgency to see what we could do. We responded immediately. Within a week we had put together proposals, we had solicited support from the community in order to get something rolling before the decision process went too long. I'm just astounded how quickly the whole thing happened. In government normally these things take years to unwind, and during that period of time either you become accustomed to the process—at least you feel you've had adequate opportunity to properly assess it. I don't feel that it has been properly assessed, that all the options have been considered.

Mr Bartolucci: And you're truly convinced that this motion is one that's essential to the viability of those communities that would be without air service?

Mr Barfoot: Yes. Well, given what I've learned today, that there is a force out there that's willing to take a look at taking over the operation and running it as is, why wouldn't everyone want to give that opportunity a chance to be examined before it's too late? If it's dismantled, then of course the opportunity may not exist.

Mr Len Wood: Harris has got the answers.

The Vice-Chair: We'll thank our presenter. What you presented to us here today has been helpful. Thank you very much and good luck.

NORTHERN ONTARIO TRANSPORTATION COALITION

The Vice-Chair: Next we have coming before us Mr Harry Kelly, who is the co-chair of the Northern Ontario Transportation Coalition and comes from the thriving metropolis of Geraldton.

Mr Harry Kelly: Yes, thank you. I just wanted to make a correction, Mr Chairman. I addressed my opening letter to Mr Alvin Curling, and of course I had the wrong list of committee members. I apologize for that. I realize you don't have an awful lot of time, and while I was

waiting I edited down my work, so I'll try to skim through it a little bit.

Basically, there are four sections in the report in front of you. There are specific report sections that come from this document, which I'll introduce into your records so that you can read it afterwards.This is the final report funded by federal, provincial and municipal governments, an excellent example of what this province can do when it puts its mind to it.The other section deals with conclusions and recommendations that I think might be pertinent to your review of the Ontario Northland Transportation Commission. And then there's a section on policy review papers that you'll find interesting, interesting in the respect that there is no country in the world where people and goods movement remains unsubsidized. I think you're all hung up on this idea of a subsidy far too much. I think what you have to look at is how you make investments through dedicated funding. That's part of the recommendations that we have before the federal and provincial governments to deal with, how we can fund transportation infrastructure.

When we began our work, which is in the specific sections, I don't think anyone would disagree with us that transportation is key to the economic and community health in northern Ontario. In fact, in Canada as a whole, over one million Canadians are involved in the transportation sector.

We came together as a coalition dealing with the effect of and the threat of and still the condition that CN and CP would amalgamate and abandon one or both of the northern rail lines. That impact on transportation, believe me, is a serious and current dilemma for all of us. The 10% of Canadians in the workforce involved in transportation, if those lines were abandoned and the federal government insisted on getting its way, would translate into 29,000 people moving out of northern Ontario, the 10% of the population who are employed directly and indirectly in transportation. Those were parts of the things we discovered as we went through talking to people from the Manitoba border to North Bay.

The coalition has 200 constituent members. It's not a union-supported matter, nor is it a job program for Iain Angus. It's a job that we put together through 75 people coming to a meeting in Thunder Bay in June 1994, and I was fortunate to be elected to co-chair with George Macey.

1530

We tried to find market solutions because that was the buzzword of the day. There are none. It's a simple fact that there are no industries of size to support rail and road infrastructure across northern Ontario. You do not develop the business to afford to pay all the freight; therefore, you have to deal with some form of rational funding. That's what governments are here for, to make those choices. That's why agencies are created, such as the Ontario Northland. It's an excellent agency. I wish I had one like that. I know what I would do with it. I'd put it to work, and there are things it can do.

So we cannot afford to lose one ability in air, rail, road or water; otherwise, the entire northern economy is suspect. That's on your watch. You have to deal with that—and yours too. You have to get on board and deal with solutions. The Americans are knocking lumps out of you and they're subsidizing to the teeth, but they do it in clever and innovative ways. Any Americans here? They'll tell you how to do it.

So we have come to the conclusion that sustainability of transportation services in northern Ontario depends more on the actions by government than carriers found elsewhere. We're also saying that ongoing and stable investment funding of infrastructure improvements is needed to create the sustainability of transportation infrastructure and to provide key services. We believe that there should be transportation-source government revenues, and those we pay every day: We pay motor fuel taxes; we pay taxes on tires; we pay taxes on mode of equipment. That's all part of a funding economy, except we don't see it in one pocket, therefore we don't think it's there. Therefore, we think the $7 million or $8 million we spend on Ontario Northland is a subsidy. It's a redirection of industry-generated capital. That's what the Americans do.

In our digest of our recommendations on page 3, we have to recognize that the heavily subsidized American system will eventually take away the natural trade route that runs across northern Ontario. That will be a calamity. What you heard today and probably what you'll hear throughout your mandate from people in the north is that we're not asking for special consideration but just asking to have taken into account the fact that there are special circumstances with distance and geography.

We think, for example, the 8% provincial sales tax could be put towards a dedicated fund. Fuel taxes, property taxes. We heard many representations from the transportation operators, the fact that they felt they were paying higher rates of property tax on the rights of ways than they should have been and that the money would have been directed back into infrastructure improvement.

When we talked about the question of transportation funding, which is at the heart of your meetings here I think, and the debate about subsidies and how much is right and how much is not right, we had asked the government of Canada in our recommendations to them to work with the province to establish a transportation sustainability fund and that 100% of those revenues would come from the federal excise tax, matched with an equivalent amount at the provincial level, and if it happens at the municipal level, if that's what Bill 26 says, then I think that dedicated funding could be put towards specific applications.

We also would like to see, as a result of that, the creation of regional planning authorities. There we go; here's the socialist again talking about planning our way, but that's the only thing we can do here, is give communities the right to make decisions. I heard a lot of people today telling me that they hadn't been consulted. Maybe they were consulted 18 months ago when someone decided to put a policy paper in place and said, "Here's what we're going to do." But since we never believe politicians anyway, I guess we should have believed Mr Harris when he said that's what he was going to do. He's doing it and I give him credit for that.

But the other side of it is, how do you deal with the mitigation of it? I think we have to look at some new

means of funding, not new taxes, not new bureaucracies, but dedicated funding, which the Americans use rather successfully.

We also would like to suggest regional decision-making. One of the disadvantages of the commission is that it only deals with the takeup of the, at that time, Timiskaming rail authority and therefore does not fully extend all across the north like it's supposed to, or whether some other agency could do that.

We also have done very quickly for you a policy review, 15 policy papers that will give you good reading in your off moments to tell you what the Americans are doing in transportation infrastructure. They have an act called the Intermodal Surface Transportation Efficiencies Act, a clever word that just means that if we only have so much money to spend, it should be spent in the best possible mode of transportation so they can compete against each other.

I think you can read that at your leisure, the fact about subsidies. We've seen what Canada's done with subsidies. It's removed $1.6 billion of federal subsidies to the western grain transportation system, but it made a one-time payment of that amount to the farmers and a $360-million fund to cover economic diversification. We found in our studies that actually the cutoff point for that subsidy is in northern Ontario and we wanted to suggest that some of that money should have come to Ontario.

You can read this over, out of the book. I want to just skip to the last part, section 4, things that we'd like you to work with us on.

We believe that our legislative approach to all forms of transportation service provision and related infrastructure is far too subject to the subsidy questions and creates trade distortion factors.

We believe that when the federal and provincial governments created the rail-based agencies, they became economic generators and they should have been integrated into an intermodal transportation system as opposed to running as a government agency. We believe that central planning and decision-making in such agencies are not responsive to change, and that's been evident from what I've seen today, and it's insensitive to local, regional and community needs. I wrote this before I got here, so what I heard today just confirmed that.

The coalition wishes to recruit the support of this committee to further the aims of northerners for a viable, integrated transportation system, for which we have made recommendations in this report. The federal government is introduced in pursuing it. I know that the provincial government will pursue it; it's in its interest to do so.

I think you could specifically take the Ontario Northland Transportation Commission and see whether that would be the appropriate vehicle for an agency to administer a transportation sustainability fund or you could do it more regionally. I must say, we did not hear any great voices of outrage in the 18 months or so that we talked to northern Ontarians about transportation. In fact, ONTC got high marks on everybody's calendar, and I think you heard that from people today.

We provided an evaluation framework for policy review, which I think is very useful. I'd commend that to your attention. That's appendix I of this report. It sets out an American model of how you go about not killing each other in the process of coming up with the right solutions for northern—pardon me, I keep saying "northern Ontario," but you know I really mean all of Ontario.

Finally, in closing, I want to say that my philosophy and the philosophy of the people who brought me up is stated in that little piece of material there:

"Whatever lies behind us or whatever lies before us is small indeed compared to that which lies within us."

We have the ability to make the changes here. You're part of a dynamic and democratic process. I want to be part of that process with you. The coalition wants to help all government agencies do better, and I think we need to keep saying that more often. Thank you.

1540

Mr Bert Johnson: Mr Kelly, thanks very much for taking the time and addressing us. We should never assume we know everything, and we don't—

Mr Kelly: We don't either.

Mr Bert Johnson: —so we're glad that you're here to inform us. There are two trains that I'm aware of—

Mr Kelly: Is that CN or CP?

Mr Bert Johnson: I think they're Northlanders. One goes from Cochrane to Moosonee, and I'm not sure that I'm explaining it right that it would be a tourist train—

Mr Kelly: Yes, it is.

Mr Bert Johnson: —although that was the use that I made of it. I assume it has other uses as well. That's called the Polar Bear Express.

Mr Kelly: Largely I think they were there to connect communities that had no other means of connection, roads or air or water.

Mr Bert Johnson: There's another one that goes from Sault Ste Marie up the Agawa Canyon.

Mr Kelly: The Algoma Central.

Mr Bert Johnson: I'm sorry, what is it called?

Mr Kelly: You'll be pleased to learn that it's recently privatized. I think it's Wisconsin Central. Wisconsin Central negotiated with Algoma Central and purchased that as a continuing operation with through-linkage to the American Midwest.

Mr Bert Johnson: Was it what I would call a tourist train too, or did it carry freight cars and drop off along the way?

Mr Kelly: It had the purposes described in the legislation. It was meant to provide transportation alternatives and freight and people, but unfortunately because of the federal rules that they were under, you had to have a compartment for dangerous fuels and dangerous people and Catholics and Protestants were separated and all this kind of thing. It really wasn't a very good idea. In other words, what the Americans did was just say, "Do we need to follow this rule book? No. Okay," and put in a simple train that runs in Europe, like the Budd car, except you can do more with it. It's a bus on wheels.

Mr Bert Johnson: So that isn't one that I would call the Northlander.

Mr Kelly: But it's a good example though.

Mr Bert Johnson: Have you any indication that the Northlander will be affected by any of the announcements to date?

Mr Kelly: I think all rail and road transportation in Ontario will clearly be influenced by decisions that CN will take in its abandonment. They may result in us sitting here some other time discussing whether we should be creating a north line.

Mr Bert Johnson: But not by provincial announcements?

Mr Kelly: Not that I've heard about, unless you're going to tell me something.

Mr Bert Johnson: No, I'm asking you. I'm not aware of any and I wanted to know if there is anything that we said that in your opinion would endanger the viability of the Northlander.

Mr Kelly: Well, you did say, if I can say that, you were going to improve northern transportation and I'm looking forward to that.

Mr Bert Johnson: Are there any areas that the Northlander serves now that in your opinion could be done without, that alternative methods of transportation could be used?

Mr Kelly: Bus, road, rail, marine or air. There's always alternatives to any system. I think the management of the system is really the question, how you manage it and how you fund it. If it's seen as a cost rather than an investment, then the government very quickly will pass the instructions on and it's passed on to norOntair that it's no longer going to be in that business. And that's a concern because then you're not going to get a debate that's going to be based on intellect; you're going to get a debate that's based on emotion. You're all going to start bashing each other again and that isn't going to be any good.

Mr Doyle: Your presentation is extremely interesting. I enjoyed it.

Mr Kelly: I'll come back.

Mr Doyle: I wonder if you could tell me if you think that the way the transportation system is set up in northern Ontario today would be, in your opinion, acceptable?

Mr Kelly: It reminds me of a committee that designed a horse and that's how we got a camel. I just think it's too unstructured. It does not deal with the purpose it was created for. What business are you going to be in? If you're going to move things and people, then go to the people who design the systems. They'll tell you how to operate it. The people who build aircraft, if they relied on government scheduling for the efficiency factors they build into their aircraft sales literature, I want to tell you, they wouldn't sell one aircraft.

So you have to get it out of the political arena into the place that people own it and depend upon it. Look, they'll spend the money. As the man said there, Manitoulin Island's going to have a big tax decrease pretty soon. Maybe that's the time for new investment, but you have to initiate it. You can't just sit up here and say it's going to happen anyway because there are a whole bunch of entrepreneurs out there. There isn't. You can't look through the phone book under E, find E for "Entrepreneur," it isn't there. We don't know who he is. There could be somebody interested in picking up the pieces, but they need time; I heard that today. They need consideration that they are, after all, benefiting from previously spent public money.

The Americans would have a field day with this, I want to tell you. You guys are bordering on some real tough trade difficulties, because all of this stuff is subsidized, if you think about it as a subsidy, or it's invested, what the Americans do, in their social investments. They're buying back rail operations, they're buying back road operations. They're spending $1.8 billion in the Alameda corridor to become the biggest single multimodal facility in the world, and we're still strung out here trying to find out how it works. Strung is a good idea.

But you need communities with you and we need to work with our local representatives. The municipalities are on board: 200 of them are part of the resolution base of this document and very proud of it. Shelley Martel was the former minister who launched it. Chris Hodgson supports it. So this cuts across all the normal squabbling you folks get involved in sometimes.

Mr Preston: No.

Mr Kelly: No? You don't?

Mr Michael Brown: I think you bring a new perspective to this. I think in many respects we in the north, like everywhere, are kind of Luddites. You know, we're kind of afraid of change and don't want to do that. What we need to do is look at our systems in a broad sense, not in just a particular one-by-one-issue sense. After all, the railroads for a large part across northern Ontario, at least the main lines, went across because somebody had a vision around the time of Confederation that said, "We want to join this country," and that was the reason they went across northern Ontario at that time.

Mr Kelly: They did.

Mr Michael Brown: So we look at railroads, we look at roads. Adding to that, we also talk about the technology that's now available.

Mr Kelly: Yes.

Mr Michael Brown: Much of what we used to have to physically do can be done electronically from virtually anywhere. Have you spent some time thinking about—

Mr Kelly: We were following a northern Ontario strategy that included telecommunications and we did not want to duplicate much of what that committee was doing. But clearly, as an instrument of public policy, Ontario Northland is well-designed. It has a broad range of features. I think it just has to be operated—is the boss sitting behind me, by the way?

Mr Michael Brown: Both bosses.

Mr Kelly: Oh, well, they're doing a great job. It just has to be designed so that they have all the tools that the private sector has. That's what privatization means to me. You're bringing private sector logic to a public solution. Does that answer your question?

Mr Michael Brown: Yes, I think you're probably right. I would be one who would advocate that the ONTC mandate, for example, needs to be rethought. They're operating the board and the organization are operating under a mandate provided by the government of Ontario.

Mr Kelly: I would have to say they're the best transportation planners we have in place right now today.

Mr Michael Brown: But my point is that we need to re-examine that in light of what we need today to allow flexibility so that real decisions can be made.

Mr Kelly: Mr Brown, it doesn't take much examination. The Americans have done all our homework for us. They have excellent legislation. It does not invite any reciprocal trade difficulties. Just copy them. There's nothing wrong with that. Research it first, but I'm just saying they have some good tools for public investment in infrastructure and they work, and they are indeed market supported because they raise the money in the capital markets. They compete for funds in the way government doesn't compete for funds. That's the difference.

Mr Michael Brown: Do you see any difficulty, though? One of our particular challenges in northern Ontario is unfortunately we don't have the density of market that you have either in the European experience or in the American experience, or even in the southern Ontario experience for that matter.

1550

Mr Kelly: That's why we've said that if we can do it for beer, and we're talking about some sort of price equalization—any beer drinkers here?

Mr Michael Brown: Oh no, I wouldn't expect so.

Mr Kelly: If you equalized the price of beer and took the difference that's charged up in the north or put that into some kind of transportation fund—I'm not saying we do that with beer. I'm just talking about the concept. If we collect from the transportation system a unitary cost and we create a series of well-designed regional authorities—I know that sounds very bureaucratic, and that's just the way I've been trained; sorry about that—but if we do that and let people participate in it, you get all those people for free. They're all volunteers. Over 78 volunteers work with me, and I couldn't do my job without them, God bless them. That's a fact. Did I answer your question?

Mr Michael Brown: I think the beer example is an interesting one. Understanding that the basic price of beer is government taxes, that may be a kind of model. I know we have this discussion in the north around gasoline most of the time, and that affects the way things are done. The north obviously is a big natural resource producer.

Mr Kelly: Yes.

Mr Michael Brown: As we move to an age of just-in-time delivery on many northern products, have you had a look at the truck transportation vis-à-vis that and how we could integrate that better? You know, people might be surprised. I represent Espanola, and the E.B. Eddy mill supplies Ottawa. If they're down for eight hours, Ottawa shuts down 12 hours later. That's the way it is. There's something like four hours of inventory actually in Ottawa.

Mr Kelly: The Ontario Trucking Association are official members of the coalition, and they've been greatly helpful to giving us an understanding of that industry. Believe it or not, they have a demand for 10,000 truck drivers, because they can't keep truck drivers in a job because of the long overhaul factor from Alberta right into Ontario. They'll never replace the bulk shipment market, but they certainly can replace the interim market, the 300-kilometre to 400-kilometre daily market.

That creates a more stable employment regime, a home regime, because the driver can go out and back in a working day. That leads us to the need to say that the northern Ontario land bridge needs to be redesigned so that there is a series of interconnecting nodes or intermodal nodes where we can get the best of our efficiencies, North Bay, Sault Marie, Sudbury, Geraldton, Thunder Bay, those places that already have a critical mass that you can build on.

The Vice-Chair: Thank you very much, and I didn't have to cut off Mr Brown, I'll have it noted.

Mr Michael Brown: Just with the hand signals, Mr Chair.

Ms Martel: Thank you very much, Mr Kelly, for joining us here today. Let me ask you again about the people you talked to in the time that you did the work as part of the coalition. How many individuals and groups would you say you talked to about transportation in northern Ontario when you did your work?

Mr Kelly: The first group numbered 75 and they came all the way from Sudbury Valley to meetings in Thunder Bay, and then I went on a face-to-face meeting with 28 communities, all the way up to North Bay, and met with the senior management of Ontario Northland. That's when we were recruiting input into what we should be looking for. We do 225 individual mailouts, so that means there are 225 different addresses it goes to, of which 105 or so are municipalities.

Ms Martel: Can you tell me, in those meetings you would have been really meeting with a range of people: people involved in small business; large resource companies that need public transportation to move their goods to market; concerned citizens who just wanted to be sure there was some kind of passenger service, be it by air or train, in some of those communities. Would that be the makeup of the folks you were talking to?

Mr Kelly: Yes.

Ms Martel: They said, I would suspect almost to a person, that for them all facets of transportation in northern Ontario are terribly important. Would that be correct? The companies said the same thing?

Mr Kelly: Absolutely. The companies said something different, that they could not calculate the economic cost of moving from volume shipment by rail to truck, and I don't think they wanted to even contemplate what that number would be. It would be affordable, but they may then have to relocate their businesses. That's where we get the outmigration number of 29,000. If both CN and CP abandoned the north and went for southern or northern US routes, the effect on our resource economies from the Manitoba border to North Bay would be of that dimension: 29,000 people would leave communities.

Now that's a wrist-slashing move because we did that in the face of CN crying the blues and CP crying the blues about their problems. We thought we'd have to tell them what the community perspectives were and why we were anxious to get information from them, which they gave us.

Ms Martel: So, Mr Kelly, you've met with all kinds of people from northern Ontario, a broad cross-section of

folks representative of our special part of the province. They told you they were very concerned that all facets of transportation were very important. I want you to contrast what you heard against what the government has done in northern Ontario to date when it comes to transportation, and I'll just remind you of some of those things.

We know that buses are going to be deregulated. The Ontario Highway Transport Board will no longer exist after April 1 and that will have a severe and negative impact on a number of small communities in the north. The government is eliminating norOntair service to 17 communities. The government is eliminating airport subsidies in both northern and southern Ontario over the next two years. The government has stopped the planning that was going on on Highway 69 for four-laning.

I want to talk to you about passenger rail service because you were asked a question about that. The Premier, on November 30, a day after the economic statement was released, was asked about the Northlander. He was asked specifically in this sense. The minister said that certain rail lines would be protected. He talked specifically about the trip from Cochrane to Moosonee, but it was interesting, the Northlander wasn't a rail service that was protected in the announcement and Mike Harris said about this:

"There's a reason the Northlander train from Cochrane to Toronto wasn't protected. 'There are choices along that corridor,' said Harris. 'There are opportunities for air, bus and car transportation and there has to be some judgement made as to what is the best way to look at those services.' The Northlander service is one Harris expects will be reviewed, although he hopes it will continue."

Now next year we know ONTC is going to suffer another $4-million hit, courtesy of the Tory government, and that $4 million will almost pay for the subsidy that ONTC provides for that passenger rail service. So, Mr Kelly, what do you think about the contrast between what northern Ontario folks said to you about the vital importance of transportation and what the Tory government's been doing to date?

Mr Kelly: What they said was this. When we delivered our draft reports to the municipalities and asked for resolutions, we know that we have to change the fundamentals of how Canada's rail—they didn't say this, but this is how it came out—the changes at the national level to the National Transportation Act. We, first of all, were successful in getting a moratorium on rail line abandonment before December 1994. We were then able to persuade the standing committee on transportation at the federal government level to amend the draft legislation for the creation of the Canadian transportation act that will deal specifically with all the things you mentioned. There will be public notice, so it really doesn't matter whether the government falls asleep. CN and CP and any rail carrier under federal legislation must, on abandonment or plans for abandonment, put them in a three-year plan. That three-year plan has to be public, available so people can read it.

I think we've heightened the sensibilities of people to the point where they know what to look for and I would not criticize any level of government for not being able to tell people what's going to happen next because really we don't know. The federal government did not finalize the legislation on the CTA. It may survive in the new sitting. If it does, it will have impact on interlining, which will affect Ontario Northland because of fees and other regulated amounts.

Whatever the federal government does, it's just a ripple. It'll hit, and if the provincial government compounds it by also reducing investments and making changes—all we're saying is, make that part of a planning process. I know no one wants to plan in this world any more, but that's what we have to do.

The communities that responded favourably to us responded that they wanted to see some consultation on a permanent, continuing basis in transportation-related issues in northern Ontario. That's about the most honest way I can answer that question. But did they specifically say, "I'm fed up with the government"? Hell, I get that a dozen times a day from a dozen different people about a dozen different governments. I have to be fair. It's not just something that occurs. It's just occurred.

Is the consultation as good as what it used to be? No, absolutely not, and I hope that will improve. That's why I came down here today to try and impress on you that I need to go back to those times of being able to know what the Minister of Northern Development and Mines is thinking—not that I ever had that pleasure before, but I'm just saying that I don't get the sense of that today. I have to be fair.

The Vice-Chair: Thank you very much and thank you for coming today. Your being here has been helpful to us.

1600

ONTARIO NORTHLAND TRANSPORTATION COMMISSION

The Vice-Chair: I'd now like to call forward for a second time the management of Ontario Northland Transportation Commission, Mr John Wallace, the president and chief executive officer, and Mr Matt Rukavina, the chair of the board.

Mr Matt Rukavina: Instead of a presentation, Mr Chair, I would like the opportunity, and John will too, to make some comments on what you heard from some of the presenters; that may help discussion at the end. When we're finished—and we won't be long—we'll open it up to any questions you may have.

There are three items I would like to comment on. The word "consultation" was raised here today—lack of consultation. As far as Ontario Northland is concerned, we do consult and we do believe in it and we do practise it.

For an example, in the fall of 1994 we set out to develop a long-range vision, a strategy. It's not just our five-year corporate plan that we revise annually, that all corporations do; I'm involved with the private sector boards and we do that. We were looking at a 10-year projection, a strategy on where we were going. In order to assist us, we sent out a request to 374 stakeholders we serve—municipalities, chambers of commerce, customers, the public at large—to give us some of their input to help us come up with a strategy.

The replies trickled in, so we made another mailing and we called them all personally to give us the benefit of their views. The final response was about 15%—not much, but it was fairly representative. From that, we went ahead and developed a long-range 10-year vision. There is some planning taking place. We do consult.

When Mr Bragagnolo, the president of the Timmins Chamber of Commerce made his presentation, he talked about a couple of things I would like to comment on. He mentioned that the Kidd Creek mine and the refinery in Timmins are worried about their freight rates, that the freight rates Ontario Northland Railway charges are much more than CN and CP. He compared this on a cost-per-tonne mile. It's natural that we're going to be higher if we run three freight trains a day over a given infrastructure where the costs are fixed pretty well, but if we ran 10 trains or 50 trains a day, naturally the cost-per-tonne mile is going to be less. So that isn't a factual piece of information. We haul as much as we can possibly get, and we try to market the resource industry. I just wanted to correct that point.

Again talking about Kidd Creek and talking about consultation, we have set up a team of people from our freight operation and our marketing people together with a team from Kidd Creek so we're not at loggerheads on rates. We put everything on the table: "Here's our costs. Here's our methods. What are your requirements? Let's dovetail those so we can both gain out of the process." And we've been successful. At one stage, they used to run an acid train with sulphuric acid, as a byproduct of their concentration operation, down to Niagara Falls, and they waited until they had a whole train. Our people said: "Why? Let's put this in as part of the regular freight train with the concentrates and save them hundreds of thousands of dollars."

We are currently in discussion with them, very concentrated discussion, on some of their plans for the future and how we can assist. It benefits us, benefits them. So there's ongoing consultation with our large customers—that's our bread and butter—on our freight operation. We do this on a regular basis. And the rates aren't rates we pick out of the air. The rates are rates we consult and discuss with our customers.

Mr Bragagnolo raised the question of our telecommunications division, now known as ONTel, and he said it's a monopoly—not our choice. We've been there since 1902, and we provide the long-distance service north of North Bay as well as many other services: radio services for large customers; we provide Internet connections for various people. But in the long-distance part of it anyone else can come in and compete. They make application at the CRTC and they come in and compete. We don't keep anybody out of the system.

He says that perhaps the rates, because there's a monopoly, aren't right. But we have a policy that the long-distance rates we apply in northern Ontario are based on the same rates that Bell charges in southern Ontario. So we get the benefit of the competition in southern Ontario: Bell competes with Unitel and all the big players, and our northern customers benefit because we charge those same sort of rates. It's not a monopoly where we charge what we have. We have a policy to not penalize northerners because of geography or distance. So the rates are right.

He talks about perhaps ONTel should be sold off. That part of our operation contributes between $8 million and $9 million per year to the rest of our operations. It helps subsidize our part of rail passenger service, the ferry services, norOntair services up until now. It's a necessary asset to help the rest of the operations. Often governments in the past, when something is a moneymaker, they sell it. It's exactly the wrong thing to do. This is something we should keep to benefit the rest of the transportation and telecommunications operations up north.

For an example, if it was a private sector operation—I'm a believer in the private sector—the dividends would go to Vancouver or wherever. All the profits that ONTel generates go back into the north. The dividends go back to the northerners where the profits are generated. They don't go to anyone else. ONTel is a necessary part of our total operation, and it should remain there.

One final thing when we're talking about consultation: At the request of the minister to all the municipalities served presently by norOntair, he held a meeting in Sudbury the day after we had our last hearing, February 22. Following that meeting, the communities represented there—and there were 11 of the 17—agreed we should form some sort of group so we're not going to be talking to 17 different people through 17 different means. The representatives selected six representatives from those 17 municipalities. They agreed that I would chair the group, and we had resource people from our staff and the ministry try to develop a strategy: What's going to happen between now and March 29? We had our meeting in North Bay the following week on February 29, set up a mandate, put a bunch of figures together, and we've charged our director of air services to go and talk to all the air carriers to make sure we have turned everything over that we possibly can to entice the private sector to provide service to all the 17 communities.

To date, we've heard that it appears that three communities may not have service, but this evening our air director is meeting with representatives from Gore Bay and from Chapleau, with a carrier, to discuss service.

Mr John Wallace: Elliot Lake.

Mr Rukavina: And Elliot Lake as well, even though Bearskin has announced they're going to provide a service into Elliot Lake, one trip a day. We are actively engaged in doing that, to try and entice, try and facilitate somehow the provision of air service wherever norOntair is currently. Our next meeting is scheduled for the 18th, but we're not waiting for the meetings. On a day-to-day basis, our staff is out beating the bushes to see how we can make this happen. Thank you, Mr Chairman.

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Mr Wallace: I'd like to go back and offer a couple of points of clarification also. In our long-range planning, we recognize that Ontario Northland was in a financial crisis even before the economic statement of November 29. As a result of that long-term forecasting, we came to the conclusion that economically we were going to have to find downsizing or rightsizing, whatever you want to call it, to try to get our profit back into a position where we could have funds to keep our capital plant up to date.

We set a target of about 200 positions over a four- to five-year period, and then announced an early retirement incentive plan that is currently in place and will close next Friday. The first way, we're hoping to get 90 to 100 positions we'll be able to downsize, and that's just the start. Some of it is required changes to collective agreements, and we're talking with the various unions on their contracts in order to achieve those ends.

In our analysis of the funding, we also want to point out that rail freight itself, or our rail services, are not profitable. In 1995, when we did our analysis of the final results and allocated its share of the administration fee, we will lose of the order of between $4 million and $5 million on our rail operation. Mr Rukavina has already pointed out that we have discussions going on with Kidd Creek concerned about the rates. We heard Mr Bragagnolo talk about the rates. We are endeavouring to do everything we can to make the rail freight operation more efficient and to turn it around. So we have to find these positions, and situations like Englehart are one of the results of that particular exercise.

In the case of Englehart, we would operate trains from North Bay, make up two trains, then remarshall them in Englehart yard to go off in three different directions. We have decided that that operation isn't required from a technical point of view, so we'll marshall the trains and they'll go straight through to their destinations. That means our trains will leave North Bay after being serviced and will go 250-some miles to their destination where National Roads will operate trains maybe 300 or 400 miles, so we're not exceeding the limits, by any stretch, in the operation and we're going to save a considerable amount of money.

It also is not a case of jobs being relocated from Englehart and still staying in the mix. This ties in also with our early retirement incentive program, that these jobs will allow us to offer more early retirement incentives in our downsizing efforts. It's all part of the plan to get ourselves back on target and in a profitable operation.

There were also discussions that we should be going out after contract work. Ontario Northland goes aggressively after contract work. We have gotten Inco work, Via work, Go Transit work in the past. In 1995, we had budgeted almost $4 million for contract revenue. We didn't achieve that objective because Via and other organizations are facing the same sort of thing we are: reductions in funding for their programs. So we didn't achieve that particular target. We took a good, long look at a GO Transit contract that just recently came out and found it to be beyond our means. First of all, our reason for being is to provide a freight and passenger service to northeastern Ontario, and the size of the GO Transit contract, with the time constraints and that, was just beyond our scope, but we aggressively looked at that particular work.

We also have done a fair amount of work in our shops in North Bay. We've talked about the Northlander passenger coach. They were originally unilevel coaches that operated in the GO Transit service here in Toronto, completely refurbished in our North Bay shops. That work is all gone from our shops now; there isn't funding for those types of programs and we've completed that program. We see the need to have to rightsize our organization in that particular regard.

We are also aggressively going after whatever freight business we can get and bring back over our lines. Our people are working hard in that particular area, and we've already talked about Rail Haul North in our last presentation and the efforts we're putting on in that particular effort.

There was also the mention this morning of the effect of the $10-million decision in the economic statement and its impact on Ontario Northland. That decision really did not have any impact on us making decisions such as the Englehart decision. The Englehart decision has come out of our bottom-line funding the way we are right now. I just wanted to clarify that point.

The Vice-Chair: Thank you. We'll start a round of questioning with the Liberals. You have a whole five minutes, Mike.

Mr Michael Brown: Thank you, Mr Martin. You won't cut me off, will you?

The Vice-Chair: I won't cut you off.

Mr Michael Brown: First, I want to say to you folks that I understand about consultation. I would really believe that you've made the utmost effort, at least as far as my knowledge, to go out and talk to folks about what your plans are, what your options are and how you do things, particularly around the marine services. I want to congratulate you. It has been very good in our constituency, and while there are always people who disagree with you, really and truthfully I can't say you haven't gone out and tried to talk to them and tried to understand their concerns.

That's what I want to talk about for a second. We haven't talked about ferry services for a while, and I just want to open with a question about the status of the Nindawayma. Has it now been leased, or where is it in the scheme of things?

Mr Wallace: At this point we're still negotiating with the successful bidder, so it hasn't had a contract signed for the lease. Negotiations are still under way.

Mr Michael Brown: Is it your expectation there will be one in the foreseeable near future?

Mr Wallace: We're assured by the individual that he is still very much interested in leasing it. There was a flurry of activity in the fall before freeze-up to get it going. I understand that he wants to get a greater degree of assurance from the US Coast Guard with regard to any regulations it might have and what impact it might have on him in any alterations to the vessel before it goes there. There's some pause, I guess, taking place while the US Coast Guard reviews the situation.

Mr Michael Brown: I guess we'll move from there to talk about the Chi-Cheemaun for a short period. One of the things that I guess caused at least some distress was your announcement that you would be increasing the Chi-Cheemaun's fares by 5%, which is of course well above the rate of inflation. What impact, if any, do you foresee on how many passengers you'll be carrying this year vis-à-vis next, or do you see any relationship whatever between the amount paid in fares and the amount of people who will be on it?

Mr Rukavina: No, we don't really think it's going to affect the passenger loading. Those fares remained constant for the past four years. They weren't changed. So when you add the inflation over the fifth year now, the 5% isn't out of line. We don't feel it's going to have an effect.

Mr Michael Brown: So you don't think there will be a detrimental effect on the numbers.

Mr Rukavina: No.

Mr Michael Brown: One of the things I've noticed about the Chi-Cheemaun's loads, though, is there's been a dramatic decrease in the number of buses, tours. Can you explain why that's happened, or do you have any idea why we're losing that traffic?

Mr Wallace: Not really. When you say dramatic, I'm not sure if the numbers have decreased, but I don't have any answer off the bat, no, I don't think.

Mr Michael Brown: Maybe it's just a general thing in the economy. I don't know. I don't have the numbers right with me, but there has been, as far as I know, a dramatic decrease. Of course, the Chi-Cheemaun is probably the premier tourist attraction in the area, if you talk about the number of people who use it and enjoy it for both transportation but also for the joy of taking it from the Bruce Peninsula to Manitoulin or the opposite way around. So it has a dramatic effect on our economy, as you well know.

The one part, when we talked about consultation, however, that I guess upsets me and upsets most members—and I don't believe is in any way your fault—is the decisions regarding norOntair. That's the lead-up. On November 29 it was all over, in terms of you were literally directed by the minister to do what you did. You can dress it up, you can say it any way you want, but the fact was he said there's no subsidy for this, and it's your choice, but there is only one choice, and that's you're out of the business. Is that an unfair characterization?

1620

Mr Rukavina: It became a numbers matter. There was a reduction in the funding, and how do we stay viable and still cope with the reduction? When I referred earlier to the visioning exercise, we took a look long range what's going to happen to the operation, knowing that the funding couldn't stay the way it was, that it was going to keep decreasing, and one of the areas that we pigeonholed as a possible area of service to get out of that would have the least effect on our service territory was the air service. So we anticipated that may happen some time. We didn't think the cut would be that drastic, but that's what caused it.

Mr Michael Brown: One of the things that would interest me would be an analysis, at some point in the future, because I don't think it can be done now, but we know that 14 communities will be getting some kind of air service at this point. Three will not, but I guess that could change also. The air service is changing considerably. These private carriers are not offering the number of flights at the times, a lot of things that affect your costs. It would be interesting, from our point of view, to know what it would have cost you to operate under those circumstances, because the comparison between what you were doing before March 29 running a system and running a totally different system after that is not entirely fair, it seems to me, in terms of trying to evaluate the service.

Mr Rukavina: That's right, because we're comparing apples to oranges. The norOntair service is a high-class service, and it started out to be that. So when we run Dash-8 aircraft, 37-seat aircraft, having an attendant and providing some type of meal, and you compare that with a smaller aircraft, 10 or 18—Bearskin uses the Metroliner with 19 seats, no attendants, no meals, a lower-cost aircraft to maintain—naturally their costs are going to be lower. I don't think there's going to be the same comfort for passengers, but I don't think comfort is the real need, I think it's a matter of getting from point A to point B on some regular basis.

Mr Michael Brown: Yes. To me, it's the schedule that is all-important in terms of being able to access Elliot Lake to Toronto or Elliot Lake to Ottawa or Elliot Lake wherever. NorOntair feeds into the major airports and then you can get elsewhere. That service is pretty critical. Right now from those communities you can pretty much connect to anywhere in a very short period of time and still be back the same day at home, which to a business traveller is most important if he doesn't have to waste the day somewhere else just because he can't get the flight home.

Mr Rukavina: All of the frequencies haven't been decreased. Let me give you an example of one that's close to home. Between Kap and Timmins—Air Creebec is going in there—they're going to provide three flights a day, compared to the two flights that norOntair has been providing.

Mr Michael Brown: Right now.

Mr Rukavina: For now. But at least it's an upgrade in frequency at this time.

Ms Martel: John and Matt, thank you very much for joining us here today. Let me ask a couple of questions. Firstly, who made the decision to eliminate norOntair?

Mr Rukavina: Basically, it was a decision of the minister, but I think as a result of the data that we had presented in our vision for the future of Ontario Northland.

Ms Martel: Matt, tell me how Jim Kilgour fits into the ONTC operation.

Mr Rukavina: He's our director of air services.

Ms Martel: Based on what you just said, explain this e-mail to me. This was an e-mail sent to norOntair employees on November 30. It was the same day the minister announced in a press conference at high noon that norOntair was no longer a priority, and Jim Kilgour said this to the employees:

"The minister"—of Northern Development and Mines—"announced at noon today that norOntair air service is no longer a priority for the ONTC and air service would be left up to the private sector. I'm sorry but I have no further details at this time and I will keep you informed as soon as we know anything further. There was no time frame given. My apologies to our employees for informing you in this manner, but no one at ONTC had any advance knowledge of the minister's press release."

It doesn't sound to me like ONTC staff, board etc had any idea that the minister, on November 30, was going to announce that this service was no longer a priority.

Mr Rukavina: That's correct on that particular day, because we had no idea that the reduction in our funding was going to be that great, that it was going to be $10 million over two years. When we had developed our vision, we took a look at various scenarios. If our funding was going to be reduced X number of dollars, what do we do? If it's going to be Y number of dollars, what do we do? It became ZZ dollars, and as a result of that, that's how the announcement came about. If the funding decrease wouldn't have been as great, then perhaps the announcement wouldn't have come about.

Ms Martel: It was a political decision, though, Matt, and the fact of the matter is that when you're given no money to operate the service, you don't have any choice about that any more. It becomes painfully evident to everyone that with a $6-million cut this year, you were going to be completely unable to operate that service. But it had nothing to do with the board or the staff looking at that as a possible alternative. The decision was made for you that day when he made that announcement.

Mr Rukavina: Except that I do feel, to be very fair, that he was basing his decision on some of this long-range consultation that we had, what's going to happen down the road, given funding, and what service then should be curtailed.

Ms Martel: Okay. In your vision document, Matt, did the board put forward a proposal that norOntair service should be eliminated?

Mr Rukavina: We did say, given X number—and we had to take some guesses; whatever happened to funding—what do we do? One of our proposals was that if the funding went down to a certain level, the norOntair service then should cease.

Ms Martel: You would have no choice.

Mr Wallace: Let me just add one point also with regard to Mr Kilgour's telex. It was a question of timing. We like our employees to hear first hand from inside the organization what's going on, so when the announcement was made, we wanted to make sure that we were communicating it directly.

Ms Martel: Oh, I'm not faulting you. I'll bet it was a hell of a shock to them to find out they didn't have a job and find that out by a press announcement made by the minister. I think it was entirely inappropriate the way it was done. It was unacceptable.

Mr Wallace: It was the timing, yes.

Ms Martel: Let me ask you, what are you going to do with the money that you realize from the sale of the norOntair assets?

Mr Rukavina: We're going to do two things. The first item is to try and remain viable over the next couple of years while this funding takes place while we do some restructuring to get our organization to a less expensive operation; secondly, to be able to fund up front the early retirement program. If we're going to look at funding 90 people this year and perhaps another 160 to come, we have to have some upfront dollars and we would use those dollars up front to save the dollars down the road, again, to preserve the viability of the total organization and the other services that we still provide.

Ms Martel: Here's what I'm concerned about. The minister, when he came before this committee on February 21, talked about norOntair and talked about how the proceeds from the sale of the assets might be used. I'm just going to quote. He says:

"I am encouraged by the private sector carriers' response to the new availability of air service opportunities. If there are communities that are left out in the new mix, the board, along with myself, will be working with the local interests and carriers to examine service options.

"Additionally, we have committed to the ONTC that they will be able to use the assets from the sale of norOntair aircraft...in that range." Then it says the tenders will be open this Friday. "This money will stay in the north to support the ONTC's restructuring and bridge financial needs until new developments prove fruitful."

As I read that, I am saying to myself that surely that must be a commitment to provide some form of subsidy to private sector carriers that are interested in going into some of these routes, and that that money is going to come from the sale of the assets.

Mr Rukavina: At this stage, certainly as a board, we haven't committed any money to subsidize any air service, nor have we had any direction from the minister or the ministry to provide any funding.

Ms Martel: So in terms of direction, what are you able to say to the people on the working group, who still at this point in time have three of those communities left without any air service? Have you been given any direction from the minister at all, other than to have your people go out and beat the bushes? What other positive alternative might come from these discussions?

Mr Rukavina: We're still hopeful that somehow we're going to be able to encourage someone to provide air service of some type to all of those 17 communities.

1630

Ms Martel: See, I guess the minister would have said to you that you would be able to provide a subsidy, or he would be able to provide a subsidy, and I'll tell you why. On February 28 there was a report in the Globe and Mail and the minister is quoted as saying, "'None of the northern communities now served by norOntair will be without air service at the end of March,' Northern Development minister Chris Hodgson said last week.

"'Today we have 14 out of 17 communities served. By the end of March we will have the rest served,' Hodgson told reporters," after appearing before this very committee.

So you're saying to us today that he in fact has not given you any direction or any commitment with respect to provincial subsidy. Very clearly, he's told the media that these people are going to be protected.

Mr Rukavina: But we're still trying to meet that target, somehow to get service to all of those communities without having to provide a subsidy.

Ms Martel: You've got no indication from him at all that he's prepared to do that, even though he's told the media that there will be service. You're not permitted to tell folks that.

Mr Rukavina: We certainly haven't had any discussion on subsidizing air service. We've just got out of subsidization of air service.

Mr Michael Brown: Ask him about Atikokan.

Ms Martel: Have you any involvement in Atikokan? No, I know they haven't. I asked him that before.

Let me ask you about the motion that was put forward by Tony, because certainly you must be concerned about your employees. You know that your employees pulled a group together in response to what is happening. They were very determined to try and put together an employee ownership package. If they couldn't buy it themselves, then they would look for other interested partners, because they very much want to maintain their jobs, but they also want to maintain the service to all of those communities.

It's unfortunate that the same day they were meeting with the minister to discuss this very issue, ONCC was also announcing the final run of norOntair, which was March 29. So obviously the minister wasn't very interested in giving them enough time to do that, even though he was right before them and they were asking him for that kind of time.

Obviously, from what Mr Strapp has said, there is something that we could look at here, something positive and an economic benefit that would be even bigger than the one norOntair provided. Would you folks be prepared to continue to work with that group and any investors they might have to look at a positive outcome, if the minister will agree in fact that the deadline for the last flight of norOntair could be put off?

Mr Rukavina: Our problem, again, is bottom line. Every month that norOntair operates, we lose $450,000. Our budget is currently projected to end up with a year-end deficit of $1.8 million this year, and that's based on a March 29 deadline for norOntair. If it's going to be extended, that's going to be aggravated. So if the money should come from some source, then you can do something, but we can't. It becomes a bottom-line question.

Mr Preston: When did you do your 10-year visioning?

Mr Rukavina: We finalized that last year.

Mr Preston: Could you tell me what the date was?

Mr Rukavina: That would've been last fall. We had a discussion with the minister.

Mr Preston: In 1995.

Mr Rukavina: And presented that to him.

Mr Preston: How long had you been working on that?

Mr Rukavina: About a year and a half.

Mr Preston: About a year and a half, and so that's a year and a half before—

Mr Rukavina: We started in the fall of 1994.

Mr Preston: The fall of 1994, and you were looking at reducing subsidies coming ahead.

Mr Rukavina: We could see that that was going to be the situation.

Mr Preston: Long before this government came to power?

Mr Rukavina: Yes.

Mr Preston: Oh, under the former government, you thought subsidies were going to be reduced and that possibly the airline had to go?

Mr Rukavina: Because under the former government, we also had some reductions in the subsidy. And we could see that regardless of what government was going to be in power, that was going to be the trend. So we had to try and come up realistically in, "How do we face it?"

Mr Leadston: Thank you very much for again appearing. Two very quick questions: The gentleman who presented on behalf of the Olav Haavaldsrud Lumber Co from Hornepayne, he didn't know how many flights go into Hornepayne, and there wasn't an answer. Do you know how many?

Mr Rukavina: There is a daily flight.

Mr Leadston: There is a daily flight?

Mr Rukavina: Weekdays, a daily flight weekdays.

Mr Preston: So don't get sick on Saturday.

Mr Leadston: The other question is, the gentleman that presented on behalf of the Northern Ontario Transportation Coalition, are you a member?

Mr Rukavina: I'm a member. I put in my $25 as an individual or whatever the fee was, so I could keep track of what they were doing, good work that they're doing.

Mr Leadston: I'm not disputing his presentation. There was no mention as to who the membership, the coalition. So you joined as a private member?

Mr Rukavina: It was advertised at large, and I sent in my membership as an interested northerner who's interested in transportation.

Mr Leadston: But the corporation didn't.

Mr Rukavina: Not as a—

Mr Leadston: Did they participate in the process?

Mr Rukavina: With discussion. We had a discussion with Mr Kelly and others when they were formulating the proposal.

Mr Leadston: I'm very curious in terms of the effect of the closure of norOntair. How is that going to affect the other transportation services provided by you?

Mr Rukavina: I don't think it's going to have an effect on the others.

The Vice-Chair: That's the end of the questioning. We now, as a committee, want to thank you for coming twice before us and providing us with the background information we needed.

Mr Rukavina: We'll come any number of times you want.

The Vice-Chair: It was very helpful.

We are now going to move to consideration of the motion that was placed earlier today. I'm going to vacate so I can speak to that.

The Acting Chair (Ms Shelley Martel): Mr Martin, if you're prepared to proceed with the motion, I'd ask you to proceed at this time, please.

Mr Martin: I just want to speak to it. It's already on the table and I think I presented most of my information and feeling and sense of urgency around this the last time. We've since had a few more people come before us and certainly, if anything, we all must have heard the sense of urgency and concern that's there around the question of the provision of air service and the stability of that service so that it isn't here today and gone tomorrow; that there be some operator take over the operation who can in fact carry it out in both the short term and the long term.

We've had examples. The gentleman who came from Gore Bay talked to us about his venture. And we heard from other folks. The gentleman who came from Elliot Lake told us about them having three or four different operators come in over a period of a couple of years. That doesn't speak to any type of stability in any of those communities, and that's what they're after. They're after a formula that will provide them with the kind of ongoing stability that will allow them to develop their community in a way that will make it self-sustaining, so that they don't have to be, even in other ways besides the norOntair piece and air service, dependent any more, or as little as possible, on the good graces of government. That's what this is about.

Northern Ontario is different. It has challenges that are unique to itself. That's why ONTC was set up in the first place and that's why a previous Conservative government set up norOntair back when it did in the first place. The reasons for that operation certainly are as critical today and as important today as they were then.

In this motion that I've tabled, I am not asking for any commitment from the government to anything other than some more time, some more time to look at this, to bring the communities together, to bring the employees together, to bring some new investors together around a table so that we can in the end arrive at something that's going to be good for all of northern Ontario.

I just have to look back at my own experience over the last five to six years in Sault Ste Marie with Algoma Steel and St Marys Paper and Algoma Central Railway. Each one of them was a different challenge, each one of them was uniquely solved, but it was the same conglomeration of people around the table. It was the employees, it was management, it was the financial institutions, and government was there playing a major role. At the end of the day, we put together a new structure, a new organization that fit, as we've heard before, the context that needs to be there today, to not be hit with countervail duties by other countries. These companies now are very profitable. They're private sector, they're very profitable and they're providing an economy for my community. If we look even further, as I said before, to Kapuskasing and Thunder Bay and some of the other communities where this was done—Atikokan—you have those communities more viable today because there was a restructuring that was different, that brought together all of the resources that people could attract to the table to figure out, in the end, a formula that would work, and they're working.

I'm suggesting to you, if you give these communities, if you give the north and the resources that are there now, the time that they need to come up with a new approach, a new formula, that at the end of the day you'll have something that we can all say that we're proud of and that will be, I suggest, probably very uniquely different again but will serve the needs of northern Ontario where it concerns the question of transportation.

1640

Air, in this day and age, is as essential as water was at one time, as rail continues to be and as road continues to be. We continue to subsidize in a major way all of the transportation networks of southern Ontario. Any of them that you look at are being subsidized in one way or another and it's major; major dollars. Why, in this instance, would you not be willing to—and we're not even talking money here; we're talking an extra couple of weeks or a month—ask the minister, on behalf of this committee, on behalf of the people who have come before us expressing some grave concerns about the future of transportation networks in the north, why would you not be willing to ask the minister to give all of us a little extra time so that we can find an answer to this challenge?

Mr Michael Brown: I want to reiterate my support for Mr Martin's motion. I do understand, however, the problem and I want to talk directly to the government members when we talk about this. Mr Martin says what we need is time. I agree we need time. I don't agree with Mr Martin that it doesn't cost money. We've just heard from Ontario Northland that it does cost money. It costs about $450,000 a month, so there is a cost. We have to understand there is a cost. The question is, is the cost worth paying? I believe it is.

I believe that there's also the money there to pay for it. Northern Ontario contributed $60 million to general revenues from a fund that was dedicated solely to northern Ontario. It was to be held in a trust account solely for northerners. Just about a year ago that fund was contributed to general revenue, and my friends will tell me in return for some other considerations, but the fact is there's $60 million that was paid into general revenue. It's there. It belongs to northerners. It came in compensation for northern resource revenues that we do not receive.

You have to understand, and I might get a little passionate here, but northern Ontario would be, if it was a province on its own, the fifth largest—I believe it's five; is that right?—the fifth largest province in Confederation in terms of people, not land mass but people. It's a big place. It has a huge economy, contributes hugely to the economy of this province, way out of proportion to the number of folks we have there.

So we had established a heritage fund which was to, at $30 million a year, it was set up so that it was a separate bank account. It was a unique structure in the provincial government and the idea was, and you would appreciate that over on your side, that in that fund, if we did not spend the money in any given year, the money would accumulate, as would the interest. So we weren't in that situation where, come March 1, everybody started to dump money because it had to be spent or there was no money. Well, that $60 million was placed in general revenues for whatever purpose general revenues get money, which is everything. That's a direct subsidy to the rest of the province from northern Ontario. Sixty million bucks' worth.

Now, I think having gotten that, it seems to me reasonable, although it's not my first option—my first option was it should be replaced and put back in the trust account right now—but given the fact there is $60 million that left the pockets of people in northern Ontario to particularly pay into general revenues, that you could find $450,000. You might even find $900,000 or you might even find $1.3 million to go three months looking for a solution. It does not seem unreasonable. It is

eminently reasonable that that kind of investment be put back into the north where the people so generously, although they didn't know it at the time, placed $60 million of revenue in the pockets of the people of all of Ontario. It seems to me that's a reasonable thing to do. So I talk to you as reasonable people.

Talk to the minister. See if there can be either the opportunity from the norOntair people who are exploring what sounds like an exciting option, or at least some kind of guarantee for all the communities that are presently served that there will be air service in northern Ontario, not just on April 1 but into the future for many, many years. I think that's reasonable. I can't imagine why there could be a problem, given the size of the contribution that northerners made to general revenues in this province in March 1995. It is an astounding, huge pile of money that was given to the people of Ontario from northerners, and I don't think this is a whole lot to ask.

Mr Preston: My question is, what happens when ABC coalition, corporation, employees' group takes over norOntair, revamps norOntair? Are they going to be flying it for fun or profit?

Interjection: For profit.

Mr Preston: For profit. Well, will they then be flying into these places that are non-profitable, or are we going to be back in the same situation again where we've got four places that we know of right now that we have to subsidize or do something about? Tell me, is norOntair going to fly into non-profitable areas?

The Acting Chair: Are you expecting an answer?

Mr Preston: That's the question I have of Mr Martin.

Mr Martin: Sure. Mr Wildman maybe would like to speak to it too. What we're wanting to do here, Mr Preston, is to explore the possibilities that these folks could, in bringing to the table the information they have—perhaps a new approach they might bring to this whole operation that would find them in a position to do that. I suggest to you that whatever scenario unfolds here, there are some communities that are going to ultimately, in the end, need to be subsidized one way or another.

We heard about Atikokan this morning. I have no problem with that. Atikokan needs air service subsidizing. They need the service. Hornepayne needs service. Somehow you're going to have to do that, but you're not going to do it as efficiently with three or four different operators flying in and out, based on the small resources that they have. I think you do it more effectively when you have something like norOntair, and this is the agreement that perhaps could be cut with ONTC, where one community that makes money in some way or other subsidizes the community that doesn't.

When we restructured the Algoma Central Railroad in Sault Ste Marie, there was all kinds of scepticism about that because that operation had been losing money to the tune of about $10 million a year until we got there and continued to until we got it restructured. But in the end, the new operator brought a new approach and a new relationship with the employees, and where the company was losing money big time up until that point, they are now making money. This same company took over a line in upper Michigan. When they took it over it had 700 employees. Initially, they downgraded to about 300 to 400 employees. They're now at about 1,000 employees and the pay level is equal to, if not better than, the one across the river.

You bring new people to the table, you bring a new attitude, a new approach sometimes, and if you sit down around the table and listen to what people have to say, sometimes you can come up with answers that you never thought were possible, that will give you results, that you thought maybe were impossible as well. All we're asking for here, Mr Preston, is a little more time so that we can consider some of those options and maybe come up with something that will give us a formula that will see service guaranteed to those communities that right now, under the present scenario, will just not get it.

Mr Wildman: I wanted to respond to Mr Preston but I think Mr Wood wanted to get on to it.

Mr Bob Wood: You can go ahead.

The Acting Chair: If you want to respond to the same question.

Mr Wildman: I'll make a general speech. If you want to speak to that, feel free. Frankly, I think we're making some progress in these hearings. The last day that we had hearings, Mr Preston made impassioned statements that these communities were all going to have air service as of March 31. Now he recognizes that they probably won't unless they get some sort of subsidy.

Mr Preston: I didn't say anything like that at all.

1650

Mr Wildman: Well, that's what I heard. The fact is that what we're talking about here is asking for some time to rethink, to consult and see if we can bring players to the table who might be prepared to provide service. Frankly, we might not be successful. I'm confident that we could be, but it's possible that we won't be, that these communities that Mr Preston asked about may not have continued air service, that the employees in the Sault Ste Marie area and across northern Ontario won't have the opportunity to participate and that some communities will get air service from private carriers and many others won't. But why not give it a chance? Why not take the time to look at it? I recognize, as Mr Brown said, it's going to cost some money, but if it's successful it might provide services that otherwise won't be there. Why not take the time to see if we can do it?

Mr Preston: I think Mr Wildman has missed too much of the afternoon. If he had been here, he would have realized that we are not talking about communities missing service any more. That part's been all gone over.

Mr Wildman: So Hornepayne's going to have service?

The Acting Chair: Thank you very much. Mr Wood.

Mr Bob Wood: I'd like to speak generally to this question. The government members do not support this motion. It's fairly clear that the minister's policy of privatization is working very well, that 14 of 17 communities already have investor-owned air service promised to them. I think that shows the kind of dynamic business people and the kind of dynamic people, generally, there are in the north.

I'd like to review briefly the history of this. The announcement was made, of course, in the financial statement on November 29 last year. An official notice of bids was published on January 22, 1996. The closing date for bids was February 23, 1996. The bids were well advertised and a number have been received. Quite a

number of inquiries were indeed received during December and January about this, so there has been ample time for people to put forward bids. It would hardly be fair to the bidders at this point to say: "We've changed our minds. Your bid doesn't mean anything." The bids were open to all and I think we have to be fair to all bidders.

The fact that these bids are proceeding does not prevent the employee group or anyone else from getting into the business. I might say I've spoken to the folks from the Sault and indicated to them that the minister's door is open at all times for communication on the matter. They're obviously a very dynamic group that have the future of their community, their region and their province very much at the forefront of their thinking, and the government's going to cooperate with them. But we do have to honour the process we have put in place, and this motion unfortunately can't be adopted, in my opinion, by this committee. The government members are not going to support it.

Mr Michael Brown: I have a quick question for the government. We have an undertaking from over there that you guarantee that all 17 communities will have air service and that they will have it not only on March 31, but they will have it on March 31, 1997, and March 31, 1998. My concern here is, gentlemen, that even though we may have service in 14 communities, we will not have it for any length of time, and it is of utmost importance that the government take some kind of a role here in that it doesn't abandon the northern communities very shortly thereafter. That could very well happen because private enterprise is only there where they can make a profit. I understand that. That's what private enterprise is about. But that is not the same issue as providing community service. If you can tell me that, I think a lot of us would be a lot happier.

Mr Wildman: Just a point of clarification: That's 17 communities besides Atikokan.

Mr Bob Wood: Yes, that's right. Atikokan is not apparent in the calculation. The answer is, of course, what the customers are prepared to support, they obviously are going to get. To the extent that there are problems, I think the minister is sensitive to individual problems and he's prepared to look at any legitimate case. What he does with that case he obviously can't know until he hears the case. At this time, we don't know how many communities are going to be served by investor-owned air service. It may well be all of them. We don't know.

To the extent that there are special problems, the minister is aware of special problems and is obviously prepared to look at them. The result of that I can't predict.

Mr Michael Brown: There is no guarantee.

Mr Bob Wood: There are no guarantees in life at all, in my experience.

Mr Michael Brown: We sure know that.

Mr Martin: I just want to say to the members opposite, you've been here with us, listening for two days now to communities that have expressed to you how important it is that they have air service. We've had no guarantees from anybody that that will be the case for particularly three or four of the smaller communities.

I think we have an opportunity here to explore some other alternatives. The mayors and the task force that's been established by the minister are certainly looking at some things. It's very constrained, though, by the time lines that are in place that have just been reiterated by Mr Wood. In the interest of transportation to the north, you heard that spelled out for you very clearly and eloquently by Mr Kelly here this afternoon, how absolutely essential it is that we have a network, an integrated network of air, land, water, rail up there.

If we're going to tap at all the potential of the resources we have and the economy of that place, if it's going to be continue to be a viable part of this province in the many ways that it has become, then we need to be doing all we can to find a way to answer some of the very difficult questions that are out there. It's not good enough to just say, "Well, the private sector is interested and we think that they'll come forward." We don't know that and we don't know, when they do come forward, how long they will stay.

I'm appealing to you. I know the whip's been cracked, but as I said before, each one of you has been elected by a constituency of people in Ontario. They expect you to think independently from time to time, and when you feel in the gut of your stomach that something is right, then I think you should be willing to step out and take a chance, be courageous and say that this is in fact the right thing to do at this particular point in time. I suggest to you that in this instance, asking for a little time is not an outrageous request.

The Acting Chair: Thank you very much, Mr Martin.

On the motion, please, all those in favour of the motion that has been put by Mr Martin? Those opposed? The motion is defeated.

SUBCOMMITTEE REPORT

The Acting Chair: If I might ask the Chair to resume his duties, I understand there's a report of the subcommittee which also needs to be considered before this committee leaves today.

Mr Bob Wood: I will move the adoption of the report of the subcommittee and move that the reading of it be waived.

The Vice-Chair: Okay. Any comment on that? If not, all those in favour of adopting the subcommittee report please raise your hand. All those opposed? Carried.

That's it. Thank you very much. We will be, as a subcommittee, considering how we might come up with a report at the end of these very important two days and we'll be reporting back to the committee on that.

The committee adjourned at 1658.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Chair / Présidente: Laughren, Floyd (Nickel Belt ND)
Vice-Chair / Vice-Président: Martin, Tony (Sault Ste Marie ND)
*Bartolucci, Rick (Sudbury L)
Crozier (Essex South / -Sud L)
Ford, Douglas B. (Etobicoke-Humber PC)
*Fox, Gary (Prince Edward-Lennox-South Hastings / Prince Edward-Lennox-Hastings-Sud PC)
*Gravelle, Michael (Port Arthur L)
*Johnson, Bert (Perth PC)
Kormos, Peter (Welland-Thorold ND)
Laughren, Floyd (Nickel Belt ND)
*Leadston, Gary L. (Kitchener-Wilmot PC)
*Martin, Tony (Sault Ste Marie ND)
Newman, Dan (Scarborough Centre / -Centre PC)
*Preston, Peter L. (Brant-Haldimand PC)
*Ross, Lillian (Hamilton West / -Ouest PC)
*Wood, Bob (London South / -Sud PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Brown, Michael A. (Algoma-Manitoulin L) for Mr Crozier
Doyle, Ed (Wentworth East / -Est PC) for Mr Ford
Martel, Shelley (Sudbury East / -Est ND) for Mr Kormos
Wildman, Bud (Algoma ND) for Mr Laughren

Also taking part / Autre participants et participantes:
Bisson, Gilles (Cochrane South / -Sud ND)
Kormos, Peter (Welland-Thorold ND)
Miclash, Frank (Kenora L)
Wood, Len (Cochrane North / -Nord ND)

Clerk / Greffière: Tannis Manikel

Staff / Personnel: David Pond, research officer, Legislative Research Service

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Wednesday 20 March 1996

Journal des débats (Hansard)

Mercredi 20 mars 1996

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

Intended appointments

Nominations prévues



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 20 March 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 20 mars 1996

The committee met at 1003 in room 228.

INTENDED APPOINTMENTS

DUNCAN SINCLAIR

Review of intended appointment, selected by third party: Duncan Sinclair, intended appointee as chair, Health Services Restructuring Commission.

The Vice-Chair (Mr Tony Martin): The first order of business this morning is to interview one Duncan G. Sinclair, intended appointee as member of the Health Services Restructuring Commission, invited to be in front of us by the New Democrat caucus. Would Mr Sinclair come to the table. Please make yourself comfortable. We're happy that you're here. I don't know if you want to start out by making a short statement or if you want us to move into questions from the various caucuses.

Dr Duncan Sinclair: If I may, I will just tell you a little bit about who I am, very briefly. You know my name. I'm currently a vice-principal for health sciences and dean of the faculty of medicine at Queen's University. I've been in that position some eight years. Previous to that, I was vice-principal for various responsibilities in the university, including its administration and its external affairs. Before that I was the director general of the Medical Research Council of Canada, and before that I was dean of the faculty of arts and science at Queen's. Before that I was an honest scientist doing what my colleagues refer to as real work as a physiologist.

Mr Bert Johnson (Perth): In the Toronto Star dated February 24 this year, Lisa Priest, a reporter, said that you are known for your intelligence and fairness and that you have a keen interest in medical research and in the health care system. Assuming that's a fair statement, what particular skill do you bring to the commission to accomplish the task of restructuring our hospital system?

Dr Sinclair: I won't venture a comment on intelligence, but I do believe I have a lot of experience in dealing with various aspects of the health care system, if it can be said to be a system. I bring to this work a degree of experience and a record of being able to consider difficult issues and try to resolve conflicting positions in a much smaller environment, I would grant, within a university. But if you know anything about universities, conflicting positions are held with considerable passion, usually, and I have a lot of experience and several scars I could show you that qualify me for continuing in this capacity.

Mr Gary L. Leadston (Kitchener-Wilmot): Dr Sinclair, obviously from your curriculum vitae you are most eminently qualified for this position. It gives me a certain comfort level to know that people of your stature are involved in the health care process in this province. It's a very comforting thought. With your very broad knowledge and experience in education—I am very curious and most interested in knowing what you feel is the greatest inefficiency in health care today.

Dr Sinclair: That could provoke a very long answer, Mr Leadston, but I will try to be brief. You asked me what I think is the greatest potential or actual inefficiency in the system. As I said previously to Mr Johnson, my appreciation of the word "system" means that it's an organized, planned and smoothly coordinated execution of the functions of a variety of parts which together work, to use a metaphor, as an engineered system, a designed system.

One of the greatest inefficiencies at present is that we do not have a health services or a health care system in that sense. We have a very large number of sometimes collaborating, sometimes competing, sometimes mutually ignorant and other times very well informed of one another's activity, pieces of a system that if coordinated I believe could do two things.

One is to provide as good or I think better quality services to the citizenry, not only health services today but services that will be supported by both education and research so that those services will be better tomorrow. Those are products of the system, if you will, that could be improved.

The second major thing that I think can be accomplished, in fact I'm sure can be accomplished, is that we could have improved services with much lower cost, within the ability of the province's taxpayers to pay for those services.

If the commission can contribute to achievement of those two ends, then it will have discharged its mandate.

Mr Douglas B. Ford (Etobicoke-Humber): I don't even know why we're asking you these questions, with the background that we have on you because of your expertise in many fields, but this is our procedure and a routine that we have to do. I understand that you will be retiring in June, and this is my question: Why did you put your name forward for this position?

Dr Sinclair: First, thank you for the compliment; I very much appreciate it. My plan was to retire in June, and frankly, this is not what I had in mind as my retirement project. I did not put my name forward. I was asked if I would consider taking this position. After considerable consideration and discussion with, frankly, a rather reluctant spouse, I have agreed. I will tell you honestly the reasons I have agreed. There are several.

I believe very firmly in the responsibility of citizens who have the ability—and that's for you to judge—but also have the opportunity to provide public service, to do

so. I have spent most of my life in Ontario, I have been privileged to be part of public sector activities all my life and I think I have something I can now pay back in retirement.

1010

The second principal reason is that I am embarrassed, in that we have all sentenced our children and grandchildren to carry a very heavy burden of repairing a debt that we built up during the best economic times that Canada has known since the Second World War. If I can do my piece so that the health services system that's inherited by my grandchildren at least will not be making the problem worse, as it is at present, I will have met my responsibilities both as a citizen and as a grandfather.

Mr Ford: That's excellent, because I completely understand where you're coming from.

Mrs Lillian Ross (Hamilton West): Dr Sinclair, thanks very much for coming today. The former government closed the equivalent of 30 hospitals, closing 6,700 acute care beds during its last five years. But since no hospital was actually ever closed, it left in many ways an inefficient and difficult-to-manage hospital sector. Had you been chairperson of restructuring, how do you think you would have handled this inefficiency, and do you really think that's an inefficient way of looking at the health care system?

Dr Sinclair: That's difficult to answer, because of course hindsight is always very easy to exercise. There's no doubt that as the system of hospitals, such as it is, has been downsized through the closure of beds, that has resulted, as a consequence of there being the same number of operating institutions in the province, in an increase in the cost of managing the plant relative to the cost of delivering services. It's a simple engineering principle. Their economies of scale are very real.

Your question is, had the commission existed previously, how would I, as chair of the commission, have advised differently? Frankly, I believe that it's necessary for the commission to examine very carefully the voluminous literature that does exist, from Canadian experience and from experience that's comparable to Canadian experience, and establish some firm guidelines of what economies of scale mean in the hospital "business," if I may. That's not a simple answer, because the hospital business is a very varied business, depending upon whether that hospital is a very remote, small institution or one of the big institutions in downtown Toronto. They have different responsibilities and the economy-of-scale calculation will differ for those categories.

None the less, the data do exist, and my clear understanding is—it's more than an impression—that we will have to apply those data such that we can increase the deliverable cost, ie, at the workface of providing service, and diminish the support costs that are associated with the administration and operation of separate buildings. So I would suspect there will be fewer institutions—there should be fewer institutions—in the interests of economy and in the interests of provision of better service. The tradeoff, of course, is the desire to provide service as close to home as possible. I believe it will be very probable that the commission will have to debate very hard the definition of what "as possible" really means in current economic and other circumstances.

The Vice-Chair: Your time is up and we'll have to move on to the Liberal caucus.

Mr Bruce Crozier (Essex South): Dr Sinclair, good morning. Welcome. I will echo the thoughts of some others that you come eminently prepared with the experience that will be required. Certainly, that's not in question, but it does give us the opportunity to get some sense of where you see this restructuring commission going. In that vein, Minister Wilson emphasized that the commission's work will not supplant the work of district health councils but that, even according to the terms of reference, you will take that into consideration. I'd like to get your viewpoint on that because if these district health councils go to all this work, they understand the local needs, they bring in various stakeholders in the community, where then do you see the commission's role vis-à-vis approving that decision or not approving it? Why the commission if we have district health councils working on this problem?

Dr Sinclair: Mr Crozier, yours is a very good question that I can only answer for myself, because of course the commission has not yet met. The commission has a life of four years and it's clearly stated in the legislation that we should accomplish our task as quickly as possible and certainly, in any case, in less than four years. It would be quite ridiculous for the commission to start over. Much of the work that has been done over now more than four years by some of the district health councils interacting with the institutions and people of the various regions of the province, and interacting also with officials of the Ministry of Health—for example, many of those district health council reports have been the result of an iterative process back and forth between the minister, the DHCs, the institutions, the community stakeholders, many times. Frankly, to disregard that work would be just plain dumb. Why would we want to do that?

My expectation is that the commission will take as the platform on which it begins its work that completed work with the district health councils. I do not expect that the commission will interact very directly with DHCs. Rather, it will interact more with the ministry because, of course, the DHCs report to the minister, and there's no question that they would not continue to do so. So the expectation is that the DHCs will continue to work with the ministry, as they do now. When they both believe that their report is an adequate platform from which the commission can launch its work, that work will be passed to the commission. We then will do an analysis, which we would have to do for fiduciary reasons if for none other, to make sure that platform does not have holes in it; either things that have not been considered or things that have been considered inadequately, the holes being either data and information or less easily quantified holes.

As you know, when you go to your constituency and ask people about something, informed people will be able to tell you whether that makes sense or doesn't. If something that is recommended in one of these platforms from the DHCs is considered locally not to make sense, I would regard that to be a hole and we have to find out why, whether for cultural, historical or whatever reasons. So we'll do an analysis and identify the soundness of the platform and then proceed to decisions in respect of

hospitals on the basis of that, because that's within our mandate, or to recommendations on other aspects of the health care system, again within our mandate.

1020

Mr Crozier: You have my best wishes, sir, because you and the commission I think are going to be in a difficult position sometimes when the district health council does not agree with you, and you're going to be between the health council and the ministry, but I wish you well.

Dr Sinclair: Thank you. I will take all the good wishes I can get.

Mr Rick Bartolucci (Sudbury): I would like to congratulate you for being suggested to sit on a committee that I believe only masochists would want to sit on, but as I view the appointment list, I see that you are a person with a great deal of dedication and zeal to try to make a better situation from a given set of parameters.

Let me present to you a very, I guess, hypothetical situation, but one that I think will be reality as you start your work. Let me lay out a scenario whereby you have a DHC offering a set of recommendations or suggestions for restructuring, that, by and large, is being accepted by the majority of the stakeholders in a particular region or city. For some reason, it's not what the minister's staff feel should take place. Given that you have these two points of view, and given that you're in a very awkward situation because you're going to be appointed by the minister but, I think as you've said in your earlier answer to Mr Crozier, responsible to those people, those stakeholders in the community, what's going to be the determining factors in making your suggestions with regard to restructuring—in generalities, obviously, because you can't speak about specifics?

Dr Sinclair: I've thought a lot about that, and I've been reassured by the words in the legislation that set up the commission that the commission is genuinely at arm's length from the government. It has a life of its own. I referred earlier to our fiduciary responsibility, the fact that we will be incorporated, to make our own decisions and we will do that.

The work of the commission primarily will be twofold. One is to conduct the analysis necessary so that our decisions, which is the second job, rest on what we consider, ourselves, to be the best possible restructuring, if that's the recommendation, for a given area or region.

So we will make our own decisions, and I've spoken with every member of the commission who's been appointed, personally, on the telephone, and I think I can speak for the commission in that respect. We will not be answerable in terms of the quality of decision to anybody, in the first instance, other than the commission. Then I will report on the results of the commission's deliberation and decision to the minister. But we will make our own decision.

Your hypothesis is one that you could answer in 100 different ways. It's a question of: What's the most sensible decision, given that set of advice? How firm is the platform? How complete is the information? Does it mean that the acceptance of the DHC's set of recommendations by the stakeholders means that the capital cost of implementation exceeds by far that that could be reasonably available, and that's why the ministry sees another set?

Those are the kinds of things we're going to have to balance out. I'm under no illusions that the commission will be able to satisfy all of the people all of the time.

Mr Michael Gravelle (Port Arthur): I'm curious about process. In terms of going about the analysis, can you give us an idea of how that process might work out—for example, will you be meeting with the DHCs, will you be meeting with hospitals? I think there's going to be some pressure probably on you and on the commission to be obviously fair and open-minded about the process. Have you got a clear sense of how that process will take place in terms of getting to a decision?

Dr Sinclair: No, I do not, at present, because, of course, I can really only speak for myself. The commissioners and the commission as a whole have to be quite comfortable with the process so that when they make a decision, they can do so, as I say, with confidence.

I can give you my own speculation at this juncture. You're perfectly correct that we will be asked to receive all kinds of input, colloquially said. In fact, since my appointment was announced, I can show you an in-basket that has been tilting off the corner of my desk, because I still do have what most people consider to be a full-time job.

The commission is charged with working expeditiously and we're going to have to balance the receipt of information from those who would be affected by our decisions against the full knowledge that if we were to engage in as much consultation as people would want, we would be at it for a very long period of time and it would turn into more than a full-time job for every commissioner. So we're going to have to balance that.

The fact is, the DHC process, by direction and inclination, is one that has invited lots of feedback, input, to its decisions. I would see that the primary interaction with the local or regional community would be through the DHCs and would be imbedded in the quality of their advice and recommendations, as they come forward to the commission.

The Vice-Chair: We'll have to move on to the third party, the New Democrat caucus, and Ms Churley.

Ms Marilyn Churley (Riverdale): Good morning, Dr Sinclair. It seems as though I'm the lone New Democrat here this morning. Mr Kormos had to run out to another meeting. Perhaps you're lucky that Mr Kormos had to leave the room. I'm a nicer person.

Interjection: We all are.

Ms Churley: We're all lucky.

Interjection: That's on the record.

Ms Churley: That's on the record but Peter won't mind.

Dr Sinclair: If you think I'm going to comment on that—no.

Ms Churley: No, you don't have to comment on that.

I too, like everybody else, want to comment on your background. I just looked at it and thought, where has he found the time? You must have an enormous amount of energy and commitment.

I appreciate your coming this morning. It was our caucus that asked for you to appear this morning. I

wanted to ask you a little bit about how you got this appointment. Did you read an ad, did you express an interest? Let me apologize for not being here for your opening statement. You may have mentioned that, but how did you first hear about it and how did you end up being given this position?

Dr Sinclair: First, may I just make one comment about your comment about finding the time. I have been privileged to have working with me a tremendous group of people who have been assigned a lot of responsibility and they've discharged it very, very well. I have been privileged to do a lot of things but it's largely because of the fact that I have a wonderful group of people with whom to work.

I anticipated the question. I did not apply for this position, nor can I say I'm a conscript, but I was asked if I would consider this. In fact, I was asked three times and twice said that I would consider being a member of the commission but I would prefer not to be considered as chair. About the third time of asking, I did agree to become the chair.

Ms Churley: Who asked you? The minister?

Dr Sinclair: The Deputy Minister of Health.

Ms Churley: Have you met with the minister at any point yet to talk about his vision, his plans?

Dr Sinclair: No, I've not met with the minister per se. I've met with his assistant. I have met with the minister previously but not in relation to the work of this commission.

Ms Churley: I see. So you know the minister from—

Dr Sinclair: Yes. A meeting is scheduled now. Frankly, it would be a much better use of his time and my time because I've now had my mind a little more firmly around what's to be done, but it's still pretty shaky.

1030

Ms Churley: What's your time frame to report to the minister?

Dr Sinclair: The commission has its life of four years, but the expectation clearly written in the legislation and in the terms of reference underpinning it is that we would move very quickly. So I will complete my present responsibilities at the end of June, but I have been spending perhaps half a day a week on the work of the commission now and even that may pick up to the end of June. We will be reporting just as soon as we have something to report, particularly in relation to hospital restructuring, because it's an urgent issue.

Ms Churley: That's what I wanted to come to next. There's certainly an awareness out there that there are going to be some closures. There's some chaos in the system out there now because people don't know what's going to happen, and there are, as I'm sure you are well aware, layoffs happening. For instance, at the Toronto General Hospital, 1,300 workers received notices in March for 128 layoffs. Fifty managers were let go in January. And this is going on throughout the province, in St Peter's hospital, Parry Sound hospital, and I can go on and on.

There's just a lot of fear and anxiety because people—unfortunately, because you haven't done your work yet, there's an awareness that there are going to be closures, but people don't know what's happening. That's why I asked if you'd had a chance to talk to the minister to have any kind of understanding about the time frame, his vision here. Do you have any idea of what we might do, what you might do, in the meantime to quell some of the anxieties out there? Will you be talking directly to any of these hospitals?

Dr Sinclair: I have a lot of invitations to speak already.

Ms Churley: I'm sure.

Dr Sinclair: Unfortunately, I'm very restricted in the time that I have available to the end of June, so I will not personally be able to do that, although one of my colleagues now who I have asked to act on my behalf until the end of June as the representative in Toronto, Dr David Naylor, will be doing some speaking to the degree he's available.

As I said previously, it is very apparent that the hospital system is going to be approximately 20% smaller in financial terms over the course of the next three years, and it is already smaller than it was three years ago and five years ago. That's not necessarily a bad thing in terms of the availability of service in relation to money spent, because there are data from many other jurisdictions that can demonstrate that there are efficiencies to be gained and effectiveness to be gained out of the hospital system in Ontario. That's been known for a long while.

The insecurity—hospitals employ people. Frankly, over 70% of the expenditures in most hospitals are reflected in the wages and salaries of people. Like you, and I think like all of us, we are very concerned. I am very concerned about the impact of unemployment on health generally. It will put stresses and strains on the health system because not having something useful to do is very bad for your health. But we also know we can't proceed with the kind of increasing public expenditures that we have had over many years, again referenced to our grandchildren.

So we have a real problem, and I believe the health services commission can help to resolve that problem in making quick decisions based on as good information as we can put together. But frankly, I've been told by many people, and I share their opinion, that right now even a bad decision is better than no decision. That's what the commission, I believe, is charged to do. I'm very concerned that we not make bad decisions.

Ms Churley: Yes, I was going to jump on that because I'm sure the government members, as soon as the recommendations start coming in, will—this is going to be a very, very difficult political issue, as I'm sure you're well aware. When we were the government and we started the DHC process, which you talked about, and started to close down beds, even that was very, very emotional and politically very difficult.

I just wanted to ask you—and this is not meant in any way to insult your integrity. It's just that, the nature of the game, this one is going to be very, very rough and some members are going to hear about a hospital closing in their riding and they're going to get hell. It's a very tough thing to go through. I'm wondering, have you thought about how you're going to deal with pressures coming from not just the government side, from any

politicians, but obviously you're appointed by this government. I'm just wondering, you feel very independent, how you would deal with it if that pressure is exerted on you. If indeed there are holes—that's why I jumped on the "bad" decision—in the decision-making, then it makes it that much easier to put pressure on you to change your mind about some of your recommendations.

Dr Sinclair: I don't think any of the other commissioners, and certainly I am under no illusion that there will not be what you describe as political pressure. Indeed, I mentioned the correspondence I have on the corner of my desk which relates to that already. I know that.

However, the commission is established as an independent body and we will rest—at least I will rest, and I believe the other commissioners will be comfortable with that when we've had a chance to meet—our decision on the quality of the information we have, the extent of the information we have, and the thoroughness of our analysis of it, so that what we will decide, I can assure you, will make sense. It will make sense to those who are prepared to look objectively at the evidence, and we'll operate as openly as we possibly can.

I appreciate that not everybody will be pleased by the outcome, but I can assure you that the decisions made by the commission, if I have anything to do with it, will be made as independently as possible of lobbying, they will be based as firmly as possible on the good sense that comes out of the data and information available to the commission, and they will be made as expeditiously as possible, the "as possible" being defined by how confident we are in the platform on which we're basing our decision.

The Chair: Thank you very much. We appreciate you coming before us today. Your being here has been helpful and we wish you luck.

SHARON ROSENFELDT

Review of intended appointment, selected by official opposition party: Sharon Rosenfeldt, intended appointee as member, Criminal Injuries Compensation Board.

The Chair: Next up will be Sharon Rosenfeldt, intended appointee as member of the Criminal Injuries Compensation Board. Thank you for coming this morning. I believe you are going to begin by making a short statement.

Mrs Sharon Rosenfeldt: I would like to do that. As you're all aware, my name is Sharon Rosenfeldt. I'll just do a little bit of a background on where I'm coming from. I was born and raised in Prince Albert, Saskatchewan. I'm married, the mother of three children.

I heard about the possibility of this position becoming available to be a part-time member of the Criminal Injuries Compensation Board. I found out about it by Mr Scott Newark, who is the executive director of the Canadian Police Association, whom we work quite closely with. Of course, this interested me to quite an extent, basically I guess twofold:

(1) The perspective I'm coming from is I am a victim of crime, that being the parent of a child that was abducted and murdered in 1981 by Clifford Olson in Vancouver.

(2) My experience in dealing with victims of violent crime in the last 14½ years. Since then, I was quite instrumental in reaching out—why I did it, I don't know; it just happened—to some of the families in our own particular set of circumstances, because there were 10 other families besides ourselves. We formed a small group at that time and three years later disbanded. We moved on to Edmonton, Alberta, and that's where I became involved in victims' issues, because back then there weren't too many services for victims. However, there was crimes compensation in different provinces.

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Basically, what I feel is that if I can be of any benefit to the Criminal Injuries Compensation Board through my own experience and also working with many victims of crime, that's what I would like to do. That brings me to why I am before you today. Hopefully I can answer any questions.

The Vice-Chair: Thank you very much. We'll begin that process with the Liberal caucus.

Mr Gravelle: Good morning, Mrs Rosenfeldt. How are you?

Mrs Rosenfeldt: Fine, thank you.

Mr Gravelle: It's very, very clear from your résumé and from your remarks that you are more than qualified for this position and will obviously bring a remarkable degree of sensitivity to an agency that really, really I think requires, if there's one top quality, sensitivity.

Having said that, you're also bound by the regulations in terms of what can be provided to people in terms of the compensation itself. You've had some time, I presume, to look into what the aspects of the board are that you understand and want to deal with. I'm just curious as to things like the amount of time it takes, for example, to deal with cases. That's probably the key issue. Certainly I know that in my case I'm dealing with a constituent who has recently appeared before the board and I understand from dealing with her and dealing with others how incredibly difficult the process is itself, but also how great the need is and how much this experience affects their lives.

What would you like to see in terms of improving the system, improving the timing? Have you got some thoughts in terms of that? Because the turnaround time obviously can be very, very difficult.

Mrs Rosenfeldt: Yes, I have had an opportunity to go through as much of the information as I could. I also have some concerns, but until I actually am able to make a more informed decision or even have some ideas, be able to put forth some ideas, I have to basically have a better understanding of the inner workings of the board as it sits today. There are a number of people who are already on the board.

Why there's a backlog, there could be all kinds of reasons. Has violent crime risen? Are people more in tune today as to what services are available? A number of years ago there were a lot of people who didn't even know the criminal injuries compensation existed. So it's a lot different story today. The issues are being addressed a little bit more today. I just have a difficult time in being able to specifically answer, what would I do? I certainly don't have all the answers but I do believe, with

my knowledge, that I may be able to, hopefully, be of some asset to try to answer some of these questions in the future.

Mr Gravelle: In circumstances such as when people come before the board, obviously it seems strange, if not impossible, to put dollar figures on situations in terms of what has happened to families. Having said that, there are dollar figures that are set. Have you had an opportunity to think in terms of whether those are appropriate, too low? Again, it's a question I almost feel embarrassed asking because you certainly can't put a financial figure on how it affects people's lives.

Mrs Rosenfeldt: You've answered that yourself. That is true. It is very, very difficult to be able to put a financial figure on the loss of a body part, the loss of a life of a loved one. There isn't any amount of compensation that would ever adequately—I know for myself, just give me my son back. I don't want any money, so to speak.

Having said that, I do recognize, though, that the Criminal Injuries Compensation Board certainly wants to be responsive to the victim and to the needs of the victim and therefore it's very difficult to put a set figure. I know there is a little bit of disparity because basically all victims of crime, no matter if they're a victim of a sexual assault or a homicide, every victim responds differently. I may return to work within two weeks or two months. There may be other victims that just cannot return to work for whatever reason. I think it all has to be basically looked at more or less on an individual basis, as I understand that it is doing today.

Mr Gravelle: I think we're very lucky to have someone with your qualification and sensitivity, certainly, putting your name forward for this board. Obviously, the work you've done in your professional life and private life is extraordinary, so I certainly applaud that. Do my colleagues have any other questions?

The Vice-Chair: If not, then we'll move on to the New Democrat caucus and Ms Churley.

Ms Churley: Good morning Mrs Rosenfeldt. Thank you for coming down this morning to talk to us. I actually don't have any questions. I looked at your resume and wondered at first why you were even asked to come down, it's so very clear that you are well-qualified for this position. I'm glad you did because, having the opportunity to meet you—I've certainly heard of your group and congratulate you and thank you for all the work you were able to do as the result of a terrible tragedy in your life. I'm very pleased to have met you today. I want to congratulate the government for finding you and—I don't often do this, you know—congratulate the government for putting you in this position and I look forward to you working with us over the next several years. Thanks for coming.

Mr Peter Kormos (Welland-Thorold): Once again, I join Ms Churley in expressing appreciation for your interest in serving on the Criminal Injuries Compensation Board. One of the problems that's recurred with the board is the speed with which matters are heard, which may well become worsened in terms of the delay because of the restrictions in terms of resources available to the board.

The second issue that's been raised before the board often is the fact that the perpetrator has a right to participate in the hearing. The board is accommodating the victims in that regard, but sometimes not as satisfactorily as need be. The whole fact is that a whole lot of victims simply are incapable of being confronted once again by the perpetrator.

The third one is that the board has a right to seek compensation for the compensation it pays out, but to seek indemnification from the perpetrator—and acknowledging that a large number of perpetrators are impecunious, or at least appear to be, have you got any thoughts about ways in which the board might pursue indemnification by the perpetrator? In other words, as it stands now, the taxpayer's dollars—and again, not inappropriately so—are compensating victims of crime. Again, appreciating that most victims of crime can never be compensated, at the end of the day, there is no justice for the victim.

I used to practice criminal law, and even having done that I'm perhaps even more sensitive to the fact that there's no justice for the victim. No jail sentence, no amount of money eliminates or takes away, again, the incredible and unimaginable trauma of victimization. Have you given any thought to the process of getting indemnification from the wrongdoer in perhaps creative ways—notwithstanding if the legislation may not permit it now—but creative ways in which that might done?

Mrs Rosenfeldt: Yes. I've given a little bit of thought to it. However, I know that with the new Victim's Bill of Rights that is going to be implemented in the province of Ontario or that is implemented, that particular question, hopefully, will be—it is addressed in the actual bill, and hopefully it will be able to speed up the process more expediently.

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Again, it's very difficult for me to comment on that without having delved into the question itself to any great length and actually talking with the other members who have had an actual experience in working with it, but I'm pretty sure with the new Victims' Bill of Rights that should speed up the process.

Mr Kormos: There's been some criticism of the fact that police officers, who become victims as well by virtue of assaults or physical injury sustained during the course of an arrest, avail themselves of the Criminal Injuries Compensation Board. What are your views in that regard? Do you have any concerns about that?

Mrs Rosenfeldt: Not really. I don't have that many concerns. Basically, as far as I understand how the act works, it would have to be dealt with on an individual basis and I would have to work within the guidelines of the act. The act specifically says in section 17 that if the police officer is covered under any other type of insurance, that would have to be taken into consideration when and if they do qualify for compensation.

There are offenders who are incarcerated who also apply, and again that would have to be dealt with on an individual basis. So to just look at police officers, I certainly don't have a problem with that.

Mr Kormos: This is my final question to you: There has been, not a consistent but—I don't know whether there are any lawyers here, or at least Latin students—a

violenti non fit injuria application. That is to say that there has been, from time to time, a reduction in what would have otherwise been the appropriate award by virtue of identifying the victim as having undertaken an assumption of risk. That goes anywhere from being in the wrong place at the wrong time—in other words, you shouldn't have been in that seedy hotel in that seedy part of town because, if you hadn't been there, you wouldn't have been whacked over the head with the pool cue or the beer bottle.

It's reminiscent of some of the arguments that have been made about victimization of women. Are you aware of the application of that rule, and if you are, have you reflected on it and do you have any views about that?

Mrs Rosenfeldt: I'm sorry, is this a specific case you were talking about, or is it just in general?

Mr Kormos: There are numerous ones.

Mrs Rosenfeldt: Yes, I am aware of cases such as that, but again, basically that is discussed within the guidelines of the Criminal Injuries Compensation Act and that definitely has to be taken into consideration. Obviously, on any crime we would hope that there would be a police report, medical report, basically that we could further the information on that. I just believe that because it is covered within the act, we have to work within that framework and take that into consideration.

Mr Kormos: Thank you, ma'am. Best wishes.

Mrs Rosenfeldt: Thank you very much.

The Vice-Chair: We'll now move on to the government caucus.

Mr Peter L. Preston (Brant-Haldimand): I'm going to go back to compensation again, because the bottom line of the whole committee is compensation. Once you take the emotion and everything out of it, the bottom line is compensation. But rather than sound very hard-hearted, I want to tell you a little story first that will put my situation in context and my question in context.

A number of years ago, a car came to a stop street, striking my automobile, injuring my whole family and killing my son. That does not make me a victim of violent crime. My son is just as dead. There were settlements made that took care of my girls and my wife, and they were commensurate with their injuries. But what price, again, as we've all asked, is death? What does it cost to replace your son? There was in my case the suggestion of $500, and a suggestion that this accident had saved me the cost of raising a son. There is no value to your aspirations for your child. There's no value to your own emotional state. There's no question of your aspirations for your child being beyond value.

I was originally going to ask, are the levels, which haven't been changed since 1986, adequate? I stroked out the word "adequate" because nothing will ever be adequate. And I heard the word "appropriate," which I couldn't come up with this morning but my colleague came up with it. Are the levels appropriate? You are saying, and quite rightfully, that each individual is different. Are you saying that there should be no bottom end, no top end, but deal with the individual? Or are you suggesting there should be some caps because there is no dollar figure that can be set, low or high? Do you get the drift of my question? What are we going to do about this?

Mrs Rosenfeldt: Yes, basically I do. Basically, through all the time that I've dealt working with victims of crime, including myself, believe me, when you become a victim you are not looking for a windfall or a cash settlement per se. What you are looking for is basically more immediate response to the situation. By that I mean most—and if you've had a son who has died—in a lot of families you're looking at immediate funeral expenses, in a lot of cases you're looking at counselling. I know counselling is running anywhere from $90 to $110 or $130 an hour. There are a lot of families that cannot afford that. However, families can walk into a mental health clinic and stand in line but the thing is—

Mr Preston: Two years.

Mrs Rosenfeldt: That's right—the victims are not mentally ill. They are emotionally ill for a period of time but they're not mentally ill, and a lot of victims, myself included, have a problem with that. I'm glad there are mental health facilities to look after certain people.

But it's more in the immediate response and I think that's where the criticism, if there is criticism, is coming from: How come it is taking so long, and more so than, "Oh, I only got $20,000 because I was sexually assaulted," or whatever. Most victims aren't looking specifically at a price tag. So I don't know so much if we would look at that as much as how can we better effectively get through the backlog and get the help to the victim when it is needed right from the start.

Mr Ford: Sharon Rosenfeldt, welcome here this morning. I don't know whether you're familiar with this but I'm going to ask you anyway, and if you're not, that's okay too. What is your opinion of Attorney General Charles Harnick's Victims' Bill of Rights, 1995? Are you familiar with it or no?

Mrs Rosenfeldt: Yes, I am.

Mr Ford: Oh, good.

Mrs Rosenfeldt: Yes, I am very familiar with it. Obviously we're very, very pleased that there is a Victims' Bill of Rights. Most provinces do have a victims' bill of rights, short of Alberta, I believe, which I know has it drafted, they've been through all types of—there've been different presentations. I don't know if it has gone past third reading at this point. But most provinces do have a victims' bill of rights, and the province of Ontario, basically it's a huge province with a lot of people. I was really quite surprised that we didn't have a victims' bill of rights sooner than we did. So needless to say, I have only one position and that is working with victims; of course, I'm very pleased. And I am familiar with the workings of the legislation.

Mr Ford: That's good. I'm not trying to put you on the spot. I just wanted to know if you're a little familiar with it.

Mrs Rosenfeldt: Again, I think in answer to Mr Kormos, in response to his question, I believe that one of the segments of the Victims' Bill of Rights will address that very situation.

Mr Ford: Thank you.

1100

The Vice-Chair: Are there any further questions?

Mr Preston: I have another short one. How do you feel about some of the money in the fund going towards

counselling in a women's shelter where it's needed—and you'll appreciate this question—rather than going to an individual, going to a central location in a given area where there is counselling needed and it's not available in other facilities? How do you feel about a lump sum going to put the counselling there?

Mrs Rosenfeldt: I'm very much in favour of any services that can be provided by qualified individuals. However, for instance, I'm not into funding for our organization, Victims of Violence. We're a little bit different. Yes, we do provide a service, but that is a little bit different than a counselling service that is set up in, say, a home for battered women. If there is direct counselling involved, definitely I would not have a problem with a direct service. However, if you are an advocacy group or whatever, I would have a problem with funds directly going into that. Services definitely.

The Vice-Chair: If there are no further questions, I want to thank you for coming before us today and assure you that your being here has been very helpful.

EDMUND ROCKBURNE

Review of intended appointment, selected by third party: Edmund Rockburne, intended appointee as member, Town of Perth Police Services Board.

The Vice-Chair: Next up this morning will be Mr Edmund Rockburne, intended appointee as member, Town of Perth Police Services Board, invited to come before us by the New Democrat caucus. If you have a short statement you'd like to make at the beginning, you're certainly more than welcome to do so. Following that, we'll have a round of questions.

Mr Edmund Rockburne: There are a couple of things I'd like to say, Mr Chairman. One is that I'd like to thank you and all the other ladies and gentlemen on this committee for having me here today. I consider it a good experience.

The other thing is that, as you can probably tell, I'm suffering from a cold. I debated very much about coming today. However, rather than delay this thing and put you people out and have to come back to Toronto, I came. So if I get into a fit of coughing, please forgive me. I'll try and do the best I can.

The other thing I'd like to do is give you a thumb sketch overview of my training and my experiences in the Royal Canadian Mounted Police, which will give you an opportunity to see that it's been quite broad and that I served in many areas. At the same time, it will give the committee members, probably, a helping hand in knowing what they may like to focus on in their questioning.

I've had 27½ years with the Royal Canadian Mounted Police. I retired as a senior NCO. I turned down three commissions so that I could retire early and take other employment. However, with the recessions, one after the other, I ended up staying the full term anyhow. However, I have no regrets.

I have served in provincial policing in Saskatchewan. I have done municipal policing in Saskatchewan as a town policeman under contract with the municipality, similar to what we have in Ontario here.

I have served in national security, everything right up to counterespionage and countersubversion.

I also—and I don't know, this might ruin my credibility—was in charge of one shift to protect the Prime Minister and the Governor General. I guess it does make a difference. At any rate, I'll just get past that as quickly as possible.

I was a member of the National Press Club for five years.

I was a bodyguard for Mr Trudeau for a while.

I also was the editor for the RCMP Quarterly, which has a circulation of 20,000.

Back in the 1970s, you may recall, the RCMP had some turmoil break out. The members, the rank and file were getting a little bit disturbed at the fact that everybody else had unions and the RCMP did not and we still had to sign all our correspondence, "I remain your humble and obedient servant," which was starting to wear pretty heavy in this day and age when everybody else had moved on and we were still in the horse-and-wagon stage.

Public meetings broke out, and to thwart any formation of a union, the commissioner of that time decided that he would offer the members an in-house association instead of a union if they would give it a try. The RCMP are not aggressive in terms of unions, as you know, and they bought it. This meant that every division would have an opportunity to elect one representative who would go to the commissioner and to the Solicitor General and to all the senior brass and bring the welfare and dignity and causes and anything that's bothering the members to the attention of the appropriate people. We had no strike force or anything. It was a matter of communication; that was it.

I was one of the originals elected. There were 13 of us who represented the 60,000 members of the Royal Canadian Mounted Police in Canada. In doing that, we had to set up the whole system of staff relations. I sat on boards on everything from negotiation for operational equipment to grievances, transfers, promotions etc. As a matter of fact, it was so broad that I did just about everything. It led me to this day. I have my own home and right now I'm operating a small business on conciliation and arbitration. So I'm impartial.

I don't know whether I should go on because I've been accused of being verbose in the past. I think I'll let you people get on. You can let go and fire away as you see fit. I thank you for being patient.

The Vice-Chair: We'll start this round of questioning with the New Democrat caucus and Ms Churley.

Ms Churley: Welcome this morning. I think you're the first out of all the appointees we've had who's from the RCMP. My brother is in the RCMP and has been for a number of years now. I just thought I'd tell you that because I think most of my Tory colleagues think the NDP just has nothing to do with police, but I'm very proud of my brother, who's been in the RCMP for over 20 years now. Great institution, I would say.

I wanted to ask you how you heard about this position.

Mr Rockburne: I have been volunteering my services to the police services board and other community services in Perth since arriving there six years ago. This was because I like to keep in touch and to help whenever I can; that's my nature. I did a major study as well. When

there were going to be some changes to the board, the chair of the board asked me to submit my application. I did so. At the same time, almost simultaneously, it was publicized in the paper asking for applicants.

Ms Churley: Then you applied and you went through the system here at Queen's Park?

Mr Rockburne: Yes.

Ms Churley: When you were asked to take this appointment, did you meet with the minister or any of the minister's staff to talk about the position?

Mr Rockburne: No. The only contact I had was by telephone in terms of questioning some of my credentials.

Ms Churley: Which I'm not at all questioning here. What do you know about the existing police services board? There are a number of appointments that have come up and you're one of the new ones. Do you know anything else about the makeup of the board, how many people are on it, who they are?

Mr Rockburne: Yes. I understand there are five people on the Perth Police Services Board. It doesn't require five, but I think that at the request of the town council they expanded it.

1110

Ms Churley: Is it mostly new members? Have there been several replacements recently?

Mr Rockburne: To be honest with you, I was under the understanding that the new members of the board would be picked by the end of January and I had given up on it because, as you can see, it was extended. I thought, "Well, I offered my services and they found somebody who's probably more qualified." I haven't been following it closely because I'm a director of several other organizations as well.

Ms Churley: That's okay. You don't know personally then the makeup of the board—how many males, how many females, what that balance is?

Mr Rockburne: I don't know the new appointments. If there's anybody else been appointed, I don't know them. I heard a rumour that there had been one other appointment, but that's just a rumour.

Ms Churley: That's fine. Obviously I should have done my homework before I came in. I had been made aware by some people in Perth, and this has no reflection on you, that a lot of women—and this has been happening with this government, as you may have heard, in Ottawa and other areas—with particular kinds of backgrounds, victims of sexual assaults and those areas, have been replaced by, in many cases, well-qualified men; in your case certainly so, but in many other cases not so.

Mr Rockburne: I've been assaulted too.

Ms Churley: I'm talking about particular victims of sexual assault and spousal abuse.

Mr Rockburne: I know.

Ms Churley: But obviously you've been appointed and that has nothing to do with you; that has to do with the government's choice of appointees.

Mr Rockburne: Could I just back up here for a second?

Ms Churley: Sure, absolutely.

Mr Rockburne: I am aware of one woman who's on that board. She was the one who asked me to make the application and she was the previous chair.

Ms Churley: And that chair is still the chair of the board?

Mr Rockburne: I don't believe she is. There's another woman, as a matter of fact, because Janet called me and told me that the mayor took it.

Ms Churley: The mayor took it?

Mr Rockburne: Again, this is hearsay, so don't—

Ms Churley: Okay, we'll just get off that.

Mr Rockburne: Now that you've pierced my armour, there are at least two women on the board.

Ms Churley: Well, that's good. I'm glad to hear that and I appreciate your coming down today and answering my questions.

The Vice-Chair: If there are no further questions from the New Democrat caucus, then we'll move on to the government caucus.

Mr Leadston: I wish we had more time. Having served in the police service for a number of years, you and I could share some, as they say, war stories. I had the distinct pleasure one time of guarding former Liberal Prime Minister Trudeau. We could share some interesting stories, I'm sure.

Your background in police service and certainly in the community that you represent is quite admirable. Obviously you have a sense of your community, you have an involvement in your community; for example, in the Crime Stoppers area. What do you feel is the most pressing need in the Perth area in terms of police services? Is there one aspect of police services that should be given prominence in the community, or a number of areas?

Mr Rockburne: I have a number of ideas and I'm a bit of a social scientist by hobby. But one area that worries me is the amount of violence in youth. In small towns we have an awful lot of young people who do nothing but hang around poolrooms; there's nowhere else for them to go or things to do. I would like to maybe get into making some kind of communication with that group—like I did in the study with the elderly in Perth, where I went out and did a survey, one on one, after doing about a month of research to make sure that I was going to get the proper database—and talk to these kids and see where they fit in, where they see themselves fitting in, see what can be done. I consider this as part of the prevention that sometimes doesn't look like prevention. It doesn't take on the usual guise of bars and things like that, but society. Prevention is getting out with the people and preventing that.

Mr Bert Johnson: I want to ask you, Mr Rockburne, how you feel that the police services board can assist in the community-oriented police services.

Mr Rockburne: I see the board as having to work in conjunction with the chief, with the policies that are being handed down by the government, working hand in hand there. Again, I think you have to go to the community and obtain their cooperation and also their awareness, because without the community there's nothing. We're reaching very tough times, and everybody has to play their role.

The Vice-Chair: Any further questions from the government caucus? You have about two minutes left.

Mr Bob Wood (London South): We'll reserve just in case.

The Vice-Chair: Then we'll move on to the Liberals.

Mr Bartolucci: Good morning. I read your résumé, and it's very impressive. Certainly you have an extensive background in policing, there's no question about that, and I commend you for it. I too have relatives—it isn't a brother or sister but they're relatives—in the RCMP and I too, like Mr Leadston, have a bit of a background in policing as I was a member of a police services board in Sudbury. I'm very interested that you take such an active role in your retirement with regard to trying to find out the opinions of police officers, as you did in 1993. Let me base some of my questions on your findings.

When you were talking to the police about their concerns, did they express any concerns to you with regard to the police services complaints committee as opposed to the one that was in place earlier on in the 1990s with regard to local boards having jurisdiction over complaints? Did any of them talk to you about that?

Mr Rockburne: I don't think I'd be in a position to answer that for the reason, sir, that I was asked to help prepare the questions for that survey. I didn't actually participate in the questionnaire. That was done by other members of the board.

Mr Bartolucci: That's fair. When you said you carried out a major study on the policing and security needs and wishes of the people of Perth, I thought—

Mr Rockburne: This would be the elderly. That was the specific request put to me by the council and by the police services board. I would like to extend that to other areas, like I mentioned earlier, because I think that society is made up of many groups, and then the way they interact with each other, demographics tell you, can make you either reactive or proactive. I prefer to be proactive.

Mr Bartolucci: So you didn't, in your proactive stand, talk to any of the police in person?

Mr Rockburne: I wasn't requested to and I don't like to put my feet where I'm not asked to do so.

Mr Bartolucci: Give me your personal opinion then, because you've got such an extensive background in it.

Mr Rockburne: I can't tell what the RCMP's feeling.

Mr Bartolucci: No. Actually, I'm asking for your personal opinion.

Mr Rockburne: Well, from Perth and from the municipalities I have heard nothing. I didn't ask, and to be honest with you, I never even thought about it because I wasn't doing any study in that regard. I was just helping sort out questions of morale and things like that. Obviously that question would've been a good one on there, and this is why it's very important when you do your research to talk to the target group and ask them questions as to areas they feel are important and they'd like to discuss. That's why when you make out a lot of these surveys, you always leave "Others" at the bottom, and that usually becomes your largest area.

1120

Mr Bartolucci: I would suggest, after you get this appointment, that you do spend some time talking to the police officers in Perth, because I'm sure their opinions will reflect the opinions of most police officers in Ontario who are upset that they're put through a long waiting list for frivolous complaints.

Secondly, with regard to the structure of the board, in your discussions with the mayor or any other elected official, have they expressed concerns with regard to the way police services boards are selected? And I'm talking about numbers. Yours is a police services board of five. Obviously there are three appointees from the province and two at the municipal or town level. Have you heard anyone at the town level, elected officials, say that they weren't happy with the way a police services board is structured?

Mr Rockburne: No, I haven't.

Mr Bartolucci: That might be a concern that you're going to be facing as a provincial appointee.

Mr Rockburne: I never heard a complaint like that. As a matter of fact, complaints haven't been directed to me by these people who probably felt, and rightly so, that I wasn't an insider at the time. I was just offering my services as a consultant.

Mr Bartolucci: Probably a third question is with regard to funding. There is a good résumé as to how it works in Perth, and basically it's the way it works in most municipalities or in most cities. Do you feel that that is a fair way of deciding how funding takes place? Are you familiar with it, or should I just outline it very briefly?

Mr Rockburne: I understand, according to the act, sir, that the municipality has to pick up the cost for the police services board.

Mr Bartolucci: Yes, but when there is a discrepancy as to what the police board is recommending and what the town council or the city or the regional government decides the funding level should be, there is an appeals process. Do you think that that appeals process is a fair appeals process to the municipality?

Mr Rockburne: I can only relate to other organizations and structures and it seems to me that one would have to think pretty long and hard to see how you could come up with anything that's going to be satisfactory to somebody when you're telling them how to spend their money. If they're not satisfied with that, someone's got to break the tie. The provincial government also has transfer payments there so that all parties have a stake in this. I haven't given it great study but it seems to me it's in line with accepted practice throughout our society.

Mr Bartolucci: You may find after you become a police services board member your other two appointees at the municipal level don't agree with you.

One final question: Are you satisfied with the level of funding for police services in the town of Perth?

Mr Rockburne: I don't know what the funding is, sir.

Mr Bartolucci: All right. Thank you very much.

The Vice-Chair: Any further questions from the Liberal caucus? Mr Gravelle? No. In that case, that ends our round of questioning. I want to thank you for coming today before us and I want to assure you that your being here has been helpful to us.

Mr Rockburne: Thank you and I thank the committee members.

The Vice-Chair: Good luck in your future endeavours.

That brings us to the point in this proceeding when we will entertain concurrence on the three appointees that we've had in front of us today. So if somebody wanted to table a motion.

Mr Bob Wood: I will move concurrence in the intended appointment of Duncan Sinclair.

The Vice-Chair: Concurrence on Mr Sinclair has been moved. Any comment on that? If no comment, all those in favour, please raise their hand. All those opposed? Carried.

Mr Bob Wood: I move concurrence on the intended appointment of Sharon Rosenfeldt.

The Vice-Chair: Any comment on that motion? If not, we will entertain a vote. All those in favour of the appointment of Mrs Rosenfeldt will raise their hand. All those opposed? Carried.

Mr Bob Wood: I move concurrence on the intended appointment of Edmund Rockburne.

The Vice-Chair: It's been duly moved. Any comment? Mr Kormos and then Mr Bartolucci.

Mr Kormos: One of the problems here is that we have people presented to this committee, and I appreciate the committee's mandate is restricted by the rules, but we don't know who the field is. We don't know who the other applicants were. In the case of this intended appointment in and of itself, he has an extensive background in policing, which warrants some comment, extensive background in policing, relatively new to the Perth area, indicating that he retired there in 1991 but none the less has immersed himself in the community very aggressively, to his credit. Again, I'm not in any way, shape or form doubting that he's going to be a responsible, certainly ethical, and integrous which accompanies ethics I suppose, member of the police services board.

What's interesting, though, and I do want to comment on, is that historically, as you know or ought to know, there was a tendency to put retired chiefs of police, oftentimes local judges, district court, county court judges inevitably on the police commissions, as they were in those days. That was certainly problematic, and again, not to suggest that anybody did anything other than the most ethical thing, but it risked the appearance of there not being some independence of the board from the policing itself. So I suppose I do have a little concern.

Notwithstanding that I appreciate a policing background can contribute to the operation of the board, I am also concerned about the fact that, especially a person who has held such senior positions as this candidate has—again there's no way of testing it, there's no amount of questioning that can predict it or anticipate it, Chair, but the fact that a person who was in a supervisory position as a police officer may have almost an inclination or a natural tendency to want to be a police supervisor, I don't think there's any disagreement with that.

Obviously, there has been historically as well, and not just with police services boards but with any other number of types of boards, the tendency for, let's say, the executive director to co-opt the board. The board relinquishes its authority to the executive director. In the case of police services boards, oftentimes it's been the police chief who has co-opted the board, who in effect is doing what has to be done and the board simply rubber-stamps it.

I recall the legislation that created police services boards. I was here at the time when the Liberal government of 1987-90 implemented this new legislation, and there was an attempt, which I appreciate, to make police services boards more accountable and more responsible in their precise function and, again, to delineate the function of policing from the function of a police services board.

The reason I raise these things is because—again I have no quarrel with Mr Sinclair per se but I have some concerns about the appointment of a senior police officer to a police services board and some of the difficulties that creates. But we don't know who the other candidates were, and I'm not being critical of anybody here, certainly not the committee members. But what that does is prevent us from saying that, notwithstanding that Mr Sinclair is a good appointment in my view, subject to the caveats that I make, was there any competition for the position and who was that competition? I appreciate the rules may not at present allow us to call upon the government for that information, but it would certainly be something worth—

Ms Churley: It's Rockburne, not Sinclair.

Mr Kormos: I'm sorry?

Ms Churley: Oh, you're talking about—

Mr Kormos: Yes, I'm talking about the police services board appointment.

Ms Churley: You keep calling him Mr Sinclair.

Mr Kormos: Because he looks like Mr—Rockburne, Sinclair—

Ms Churley: Keep going.

Mr Kormos: Chair, those Anglo-Saxon names all sound alike to me with a background like I have. My apologies to both Mr Sinclair and Mr Rockburne. A name like Bartolucci speaks volumes to me, but Rockburne, Sinclair, White, Smith—in any event, my apologies to Mr Sinclair and Mr Rockburne. But it would be interesting to be able to see who the other applicants were in any given circumstance. Those are my comments with respect to Mr Rockburne, sir.

The Vice-Chair: Next we have Mr Bartolucci and then Ms Churley.

1130

Mr Bartolucci: My comments are going to be very brief. I'm not going to support the recommendation. Although I think he's very experienced from a policing point of view and ultimately he'll probably be very open and try to establish a position on something because he'll have to once he becomes a police services board member, it's critical for any appointee who comes before us, as the two previous appointees, to be very familiar with the enormity and the importance of the task they're about to undertake. I think clearly there is a very good comparison today between the first two and the third person.

Clearly, although he's a very nice individual, I'm sure, and a very competent policeman for the RCMP and retired and works with retired, superannuated RCMP officers, I suggest to you that he has a limited knowledge of what the makeup of a police services board is: the importance, especially in these critical times, of dealing with budgets and funding levels, the importance of structure, the importance of grave and very serious police issues that have to be addressed with police officers. I would suggest to you, although the background is good

in policing, I'm afraid that he presents himself as a person who would not be as effective a board member as I think we would want at this point in time, given the limitations that are going to be placed on municipalities in making decisions regarding police and safety. So I will not be supporting the recommendation.

Ms Churley: I recognize that when I'm here I'm subbing for Mr Laughren, but this is an area that I have great interest in and great concerns about, what the government is doing in replacing some very good people on police services boards. I asked the committee some time ago, and it was adopted by the committee as well, that we ask the Solicitor General to provide this committee with a list of all police services boards across the province, who is on them, who has been removed and who is getting reappointed. I presume we don't have these lists yet.

It's difficult for me here today to know for sure what's happening in Perth. I do know it wasn't up to Mr Rockburne to answer those questions; I realize that it's not his responsibility to look at whom he is replacing and who else has been appointed. That's fine, but I was hoping he'd have the information because I was told—I don't have this confirmed—that similar things were happening in Perth as in Ottawa and other areas where, as far as I know, people weren't being removed before their terms were up, but I had been told that some very good female appointments with particular expertise in domestic and spousal abuse and sexual assault were being replaced by men who have absolutely no background in those areas. Again, I can't confirm that today about Perth, but I can tell you that—

Mr Bert Johnson: Who does the assaults if the men aren't there? That's the other side of it.

Interjection.

Ms Churley: Yes. There was some kind of weird comment from the government benches here about who does the assaults if the men aren't there. I don't quite know what was meant by that. I raise this because if people have been—I don't understand why some government members are smiling and joking about this.

Mr Ford: I'm not joking. It is a very serious matter.

Ms Churley: If members of the government have been reading the Star over the past week, the horrific accounts of the kinds of domestic abuse, of women primarily by spouses and partners—stalking, serious abuse, hospitalizations, some of it being carried out in front of children, and the horrific stories—I don't know if people here read those stories, but it really was quite shocking to see that in many cases the charges were being dropped because the spouse, the person who was abused, for a variety of reasons did not want or often was coerced by the partner or was afraid or felt she loved this person and wanted to try again, whatever, backed off from carrying through with the charges. It became very clear that our system is not working for these people.

Even before these stories were in the Star last week, every time I sit on this committee I raise this as a very important issue for police services boards. It is absolutely crucial, particularly now. My position on this has been vindicated. We have some very serious problems with sexual and domestic and spousal abuse within our society.

Our government, when we were in office, took that very much into account as we appointed people to police services boards. It became a criterion not for everybody to have that kind of background, but we deliberately went out into communities and sought out people who had experience or were working directly with victims of assault or had some kind of expertise in that area so that there would be a sensitivity on community police services boards to those particular issues, because if we don't have that sensitivity on the local community police services board, we are going to have a problem. As was outlined recently in the Star, this is a problem that all levels of government, police services boards, citizens, schools, we as a society have to take into account.

With that kind of background and caveat about why I'm really concerned when I asked Mr Rockburne a question and mentioned my concerns about needing people with some expertise and sensitivity to these issues, he looked at me and said, "I have been assaulted too." I'm sure many people are, but as far as I'm concerned, I was trying to point to a particular, very sensitive problem within our society that is often, for a variety of reasons, swept under the rug, not dealt with. I felt that his answer was insensitive and he didn't seem to pick up on the fact that I was getting to a particular area of great concern, I'd like to think, to everybody in this room.

I'd feel a little more comfortable, as my colleague Mr Kormos said, if I knew who else was appointed to the police services board in Perth. I don't know, but I have grave concerns that the same thing is happening there as in Ottawa and in other areas, that some women with background in these areas are being removed as their terms are up, or perhaps as in Ottawa, removed before their terms are up, without just cause, and replaced by men who may have a lot of integrity and may have a lot of expertise in particular areas but have no knowledge, no sensitivity to this particular area.

I would ask again if you have any information, Mr Chair, about whether the Solicitor General has yet provided those lists from police services boards across the province. I really think we need that. It will help us, as these people come before us, to make assessments as to the makeup and balance of expertise on these community boards.

The Vice-Chair: Mr Ford, you're up next. I just wanted to say that we haven't yet received anything from the Solicitor General's office as to the makeup of police services boards as they are now being restructured or appointments are being dismissed and new appointments being made. I'm wondering if there's any indication as to when we might get that.

1140

Mr Bob Wood: I wonder if we could ask the clerk to find out what the status of that is with the minister's office and she could perhaps report back to the next meeting.

The Vice-Chair: Okay, because it is a question that has been on the table for some time now and I think it would be helpful if we were to be able to get that. I'm going to allow Mr Ford and then we'll go back to Mr Kormos.

Mr Ford: I'm listening to the conversations here, listening to the people on both sides of the floor here, but

realize one thing: Mr Rockburne was a member of a national police force, encompassing all of Canada, all the various problems on the national force, male and female, not just male members.

Consider this: On a national police force, if you understand how it works, it doesn't work with one small detachment that stays in one spot for 27 years. It's like living with the army. They're constantly moving back and forth, being transferred constantly, and this gentleman was in charge of 760 in the personnel. We're talking about Perth, Ontario, as concerned with the national thing, and then it becomes international too because people are transferred from Canada to different positions around the world, male and female, because there's a large number of female members to that force—in security areas, also drug areas, every facet that you can think of in police work.

In small towns, those people may stay in that small police force for 25 years and never move out of that town, whereas this gives it an international and national flavour, when you get somebody with that experience. Not only that, the board doesn't consist of a one-man board. You have several people on that board. I'm in favour of this appointment because of those facts and because of the length in service and because it's a national service and also the number of personnel he was directly responsible for. This is a prime opportunity for that town to get a person with a vast background of experience in all facets of policing.

Mr Preston: Along with the two women who are on the board.

Mr Ford: There are two women on the board already, and working in conjunction with that, I think this is a wonderful opportunity for the town of Perth to receive a person with these credentials in his background. I can carry on and keep pointing out these facts, but if you analyse it yourself, on a national effort, these people are also appointed in the north or out west to very small detachments the size of towns like Perth, they stay there for two or three or five years, they get that local experience and then they transfer to some other place, maybe to Ottawa or Toronto or Montreal, to a large area. So they have all this vast experience. I think it's a tremendous opportunity for Perth to get a person like this. That is my comment.

Mr Bert Johnson: I was one of those who was showing some incredulity when member Churley was talking, because yes, women and sex abuse is a big problem, but I don't think the problem just lies in women in solving it; I think it's a men's problem too. I guess I would have to ask whether, if the applicant had said yes, he was sexually assaulted twice before he was 15 years old, he then would have met her expectations as a victim for it. I am saying that sexual assault is a women's problem but it doesn't have to be just a women's solution.

I did not see any such concern yesterday when there were females being assaulted outside this building. I did not see any sign of that sort of concern yesterday. Thank you.

Ms Churley: I think there's a misunderstanding here about the issue to which I'm referring. Let me clarify. There are two issues here. One is the balance. Hopefully we would all agree that with any of our boards and commissions, we would like to see a fair representation of women and men, whatever their level of expertise is. I think we would all agree on that. So, having agreed on that, I hope—

Mr Preston: Whatever their level of expertise?

Ms Churley: No, I mean, on boards and commissions, you're looking at quite often different—as in police services boards, you want a balance of expertise. So coming to number two here, I'm not saying that all women on police services boards should be the only ones and should in fact necessarily be the ones with expertise in sexual assaults and in domestic violence. I hope that's clear.

Mr Bert Johnson: It wasn't clear from what you said before.

Ms Churley: Well, I thought it was, and it's been brought up many times in this committee, but let us get that clear now. I believe that there must be a balance of women and men on all boards and commissions, and in fact also reflection of the ethnic mix in our communities. I believe that we all have a responsibility to make sure and seek out people of expertise from all our ethnic minorities and from women and men.

The reason I brought up the fact that women with expertise in these particular areas have been removed and replaced by men is very simple, and it's been pointed out, particularly when we talked about the Ottawa situation, where there have been women, in this case—and quite honestly, often we don't look for women or men who necessarily have been sexually assaulted or abused in any way themselves. That's not the criterion. The criteria that we were looking for as a government and that we found, and it could be women or men—it frequently, however, was the case that women generally work more often in those particular kinds of fields. I'm quite certain in fact that there were men on police services boards also with expertise and experience in their worklife or personal lives in these areas.

The point I am making is that we are looking for, number one, a balance between men and women and ethnic groups, and we're also looking for people to sit on the board who have expertise in that area so that it won't be ignored and so that there is a real sensitivity to the community by some people within that board who have expertise and a sensitivity to that particular area.

I hope that makes it very clear that I'm not arguing that everybody on the board should have one particular area of expertise. I believe it's important to have many—

Interjection.

Ms Churley: Well, I was hoping to get Mr Johnson to hear what I was saying here, because it's very clear from his comments—

Mr Ford: We're listening.

Ms Churley: No, Mr Johnson—that he had a complete misunderstanding of what I was talking about. I think that it trivialized the issue I'm talking about here and that it's urgent that we all pay particular attention, particularly on police services boards, that the kind of balance I outlined a minute ago is adhered to very, very carefully, which is why, again, I really think it's important for the whole

committee to have these lists so we can look at the makeup of committees and make sure this particular balance is there and the expertise in different areas of community life is well represented.

Mr Ford: That's clear.

Mr Bartolucci: Just one comment in summation from this party: If you look at Dr Sinclair, you see that there's a background and knowledge. If you look at Ms Rosenfeldt, you see that there's a background and knowledge. If you look at Mr Rockburne, you see that there's a background, but there's no knowledge. He doesn't have a working knowledge of what he's getting into. He hasn't established any type of I guess pre-appointment strategy to try to encompass himself or immerse himself in the degree of information that's going to be necessary for him to be a good appointment.

I would hope that we listen to what Mr Wood said at the very beginning, I think his quote directly, we are not puppets or we are not rubber-stampers. Clearly, you tell me—and I asked this question once before with regard to a police services board member—does he have the knowledge that you would want to decide what type of policing takes place in your town, area, region or city? He certainly doesn't have it for the city of Sudbury or the region of Sudbury, and that's why I won't support his appointment to any town, city, area or region.

1150

Mr Ford: This gentleman has been on the grievance boards, he's been in operational problems, and he's dealing with a force of 60,000 people, not 760, and the knowledge that comes from working within a national organization of that stature is constant. It's everyday problems you're handling, and you're dealing with many of the ethnic groups that are not in some of the areas that you're mentioning. They are a national force, very ethnic-oriented. They have male and female employees, and all these grievances and different things encompass female problems, whether they're rapes or whatever they are, assaults. They are constantly with them, every day, day in and day out, and the transfer of people back and forth.

I still believe this person is one of the best people for that type of job. They're getting expertise, whether you believe it or not. This is not a local, little-town issue. This is a national thing. These people are getting the expertise nationally.

If you think that's humorous, it is humorous, because a small town should be very grateful to get somebody with that background and experience. And the man has contributed to the community and has assisted the police board. What other qualifications do you expect from a man of this nature?

Mr Bartolucci: To know something about police services.

Mr Ford: Do I know something about police services? I certainly do.

Mr Bartolucci: That he knows something about police services.

Mr Ford: Yes. Of course.

Mr Bartolucci: You asked a question; I'll give you an answer. He admitted he knows nothing about it in every question I asked him.

Mr Ford: Well, how can he know nothing about it?

Mr Bartolucci: I reserve judgement. I'm not going to answer that. Get serious. Excuse me, Mr Chair, I'm out of order.

The Vice-Chair: Yes, you are.

Mr Ford: He's in charge of a detachment of 760 officers. So if he doesn't know anything, then I—he's an NCO in Canada's national police.

The Vice-Chair: I've been asked that the question be put by Mr Leadston. Could I now put it to you, is it the will of the committee that the question be put? All those in favour will raise their hand. Okay, we'll put the question.

Mr Kormos: Recorded.

The Vice-Chair: A recorded vote.

Ayes

Ford, Fox, Bert Johnson, Leadston, Newman, Preston, Ross, Bob Wood.

Nays

Bartolucci, Churley, Crozier, Gravelle, Kormos.

The Vice-Chair: The appointment has carried. That completes the concurrence portion.

Mr Crozier: Mr Chair, if I could, just a brief bit of business. If the committee would give unanimous consent, we would like to waive the interview of the intended appointee W. Bryce Walker to the board of governors of Wilfred Laurier University and that the appointment should go ahead and that we would like to have the alternate we had selected, that being a Mr Michael B. Ayoub to the Ontario Film Review Board.

Mr Bob Wood: I might say I have no problem with that.

The Vice-Chair: Okay, unanimous consent then? Thank you very much. It's been agreed on unanimously.

Mr Kormos: Further to this matter of the inquiry of the Solicitor General's ministry about the makeup of police services boards and the depopulation of those boards of women members, you've made a further request today. Would the Chair please undertake that if there is no compliance with that request, another letter be sent out to the Ministry of the Solicitor General indicating that this committee is increasingly frustrated by their unwillingness to cooperate by providing that information, please?

Mr Bob Wood: Mr Chair, a request has gone forward from one of the members for information. Any suggestion that the committee is dissatisfied with its treatment by the Solicitor General is quite inappropriate. That certainly does not reflect the majority of the committee.

The Vice-Chair: If the member is suggesting that we write a letter of that tone and tenor, obviously not acceptable by some members of the committee, maybe you'd like to table a motion to that effect.

Mr Kormos: If the Chair doesn't feel comfortable doing it on its own initiative, I will then move that if a reply is not received to the most recent request, a further letter be sent to the Ministry of the Solicitor General reiterating the request and indicating that this is the second time this request has been formally made, and I am so moving.

The Vice-Chair: I think we can do that. We can certainly—

Mr Bob Wood: I have no problem with that, Mr Chair, as long as there's no hint of dissatisfaction, because there is no dissatisfaction on this side with what the Solicitor General has done.

Ms Churley: As though he's really going to worry too much about a letter from this committee expressing dissatisfaction.

Mr Kormos: It's one of the least of his problems, Bob. Trust me.

The Vice-Chair: I will assure the member that we will check into this, and if we're not getting any action, we will ask why.

Mr Bert Johnson: On a point of order, Mr Chairman: We're asking for a follow-up letter to a letter that had gone before?

The Vice-Chair: Yes. We're experiencing—

Mr Bert Johnson: I didn't get a copy of the letter that went before.

The Vice-Chair: It wasn't a letter, Mr Johnson. It was a request to the Minister of the Solicitor General that some information be forwarded to this committee, and that was quite a while ago. We still haven't received that information, and there is building up a certain degree of frustration on the part of some members on that fact. So we're going to check into it and see what the holdup is and see if we can't have some information as quickly as possible to the committee so that we can—

Mr Bert Johnson: My point is, was it your request? Was it this committee's request? Whose request?

The Vice-Chair: It was a request by the committee.

Mr Bert Johnson: It was not made in writing?

Mr Bob Wood: Mr Chair, it was not a request of the committee. It was a request of one of the members of the committee.

Ms Churley: The committee agreed.

The Vice-Chair: Yes. There was no objection to our asking for that information at that particular point in time, but it was tabled by Ms Churley as a request and we're still waiting for some response.

Mr Bert Johnson: I wanted to have that cleared up. Thank you.

The Vice-Chair: Okay, if there's no further business, that's it for today. We'll see you next week.

The committee adjourned at 1158.

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**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Churley, Marilyn (Riverdale ND) for Mr Laughren

Clerk / Greffière:
Tannis Manikel

Staff / Personnel:
David Pond, research officer, Legislative Research Service

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Standing committee on government agencies

Comité permanent des organismes gouvernementaux

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Chair: Floyd Laughren
Clerk: Tannis Manikel

Président : Floyd Laughren
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 27 March 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 27 mars 1996

The committee met at 1008 in room 228.

The Chair (Mr Floyd Laughren): Good morning, ladies and gentlemen. May I start by telling you how happy I am to be here and, secondly, to thank all of you for your consideration of me when I was away and the wonderful gift you sent me. I saved a couple of those chocolates for you. If you at any time want to drop into my office, I'd be glad to share them with you. It was very kind of you, and I appreciated it very much.

To my colleague Tony Martin, I very much appreciate the work that he did in chairing as well. Tony, you don't need the words from me, but it certainly came back to me that you did a wonderful job chairing. So thank you for that.

Mr Tony Martin (Sault Ste Marie): Thank you.

Mr Peter L. Preston (Brant-Haldimand): It's good to see you back, sir.

The Chair: Thank you.

Mr Rick Bartolucci (Sudbury): On behalf of the other members of the committee, might I suggest it is their feeling as well as it is ours that Mr Martin did a wonderful job in replacement of you, but it's very, very nice to see a very vibrant and active Mr Laughren back in the chair, and so we're happy that you're here as well.

The Chair: No heckling, okay? Thank you all for that. I do mean it.

INTENDED APPOINTMENTS
JIM YOCOM

Review of intended appointment, selected by third party: Jim Yocom, intended appointee as member, Town of Espanola Police Services Board.

The Chair: Let us get on with the business of the day. Mr Jim Yocom, welcome to the committee.

Mr Jim Yocom: Thank you, Mr Laughren.

The Chair: We're not very formal, but we do follow a set of rules to keep things in order. Traditionally, the committee has set aside a half-hour for each intended appointment and that is used up 10 minutes for each of the political parties. If you want to make an opening statement, you are welcome to do that. That would be subtracted from the time of the government members. I believe that's been agreed to by the committee. Do you wish to say a few words in opening? You don't have to. It's entirely up to you.

Mr Yocom: I'd like to make a few statements. You have my résumé and so on, but I think a little addition to it and a little more information might be in order.

I won't start back when I was on the family farm or anything like that and how tough things were then, but about 1958 was when my municipal experience started. It was quite a task for the council because the town of Espanola was incorporated in 1958, and it meant that we had to form a municipal government, hire a clerk-treasurer, and at that time you had to hire your own assessor, welfare officer, form your own police force and all those other good things that we wish we didn't have to do.

To give you a little history of the town, the north part of the community was owned and looked after by, at that time, Kalamazoo Vegetable Parchment, a paper company that had bought it in 1944, just before the war was over. They owned everything on the north side of Second Street at that time, and they owned all the services as well, the streets, roads, sidewalks, sewer and water and so on. The mill looked after the water and sewage services. The southern part of the town only had hydro services, which were also supplied at that time from the mill.

So it was quite a task to form a government and to get it off the ground, but I might say that in the period from 1958 to 1962 we did well. We had a good municipal government going and we managed in those five years to put in a sewage treatment plant, a water treatment plant and form a hydro commission. Then we bought hydro of course from Ontario Hydro because the mill could no longer supply the town, it was growing so fast. We had a good setup going in those five years, and I think that the town has benefited greatly from that.

As far as my experience on the school board—that's the North Shore District Roman Catholic Separate School Board—if I make any mistakes at this, Mr Martin will probably correct me because we served on the same board for some time. This took in quite an area, from Nairn in Mr Laughren's riding down to Ironbridge in Mr Wildman's riding. We took in Elliot Lake and all the surroundings and even went down on Manitoulin Island as far as Sheguiandah.

The Chair: So you've been spending a lot of time cavorting with New Democrats.

Mr Yocom: Yes. Well, them's the breaks, you know. We do have Mike Brown, though.

The Chair: I digress.

Mr Yocom: But it was quite a task there, as Mr Martin will affirm. Also in that area we ran two boards of education, the Espanola board of education and the North Shore board, and we took in part of the Manitoulin board of education. They were in our area. We also had four first nation bands to whom we supplied education to their elementary students. Now we're only starting to hear about sharing buses and services such as speech therapists and audio-visual equipment and so on, but our four boards were doing that back in the 1970s.

That's about all I have to say. I think that states some of my experience and the fact that I've had to interact

with a lot of different people and learn how to manage things on my own and with the help of many other people. It's been an enjoyable job.

The Chair: Thank you, Mr Yocom. Can we start with the government members, Mr Preston.

Mr Preston: Get the name right.

The Chair: Yes, I will.

Mr Preston: Mr Yocom, I think your résumé speaks for itself. You were instrumental in building a whole town, and you must have done a very good job of it because next you became mayor of that town. But I'm just going to talk about the last thing you were involved with: the school board. You were involved in contract negotiations, a lot of financial matters.

Mr Yocom: Yes.

Mr Preston: I think it's obvious how this is going to contribute. How do you think this is going to contribute to your work on the Espanola Police Services Board?

Mr Yocom: It's a matter of interacting, and with the financial restraints we have today certainly we have to look at economizing and finding better ways to do things a little cheaper. I think those things are easy.

In terms of negotiations, I've done a lot of that in my time on the school board and other places. I think that's probably the best way to answer that question.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): You're a retired gentleman now and you find that you have the time to participate and do a good job at this?

Mr Yocom: Yes. I retired in 1992 and I thought perhaps I would be quite happy to be retired, but I found I need something to do, something to occupy some of my time. I can't be fishing and hunting all the time.

Mr Gary L. Leadston (Kitchener-Wilmot): Jim, you obviously are one of the founders in that community and one of the backbones of the north, and with a small police force of eight members, you probably know them all personally, the chief and the staff. Is there any particular pressing issue in the community that the police services board would have to deal with?

Mr Yocom: I did attend the meeting the other night as an observer and everything seems to be progressing very well. I was pleased to find—and I think that's very important—that they're trying to present a higher profile to the town and to the community. The chief said then that he was going to try and spend 30 hours a month on foot patrol and he was going to do more patrolling with the officer who was on duty in the cruiser. He's joined the chamber the commerce to get some visible profile, and they do conduct a VIP—values, influences and peers—program in our schools that has to do with the students as far as drugs and so on go.

I think that's where we have to go, probably make themselves more visible to the public. I think there's a great deal of education of people, and the young people certainly need some education, and the higher profile and the example they set are very important.

Mr Douglas B. Ford (Etobicoke-Humber): Mr Yocom, I've got a question but it seems you've already answered it. As I read a little bit of background on you and the way you're talking here, I think you'd be an excellent person for this board.

Mr Yocom: Thank you very much.

Mr Bert Johnson (Perth): Mr Yocom, my information doesn't tell me—it said you became mayor in 1962. How long were you mayor?

Mr Yocom: One term.

Mr Bert Johnson: In that year you were automatically a member of the police services commission at that time?

Mr Yocom: No. There was no police services commission at that time. It was run at that time by a committee of council, three members.

Mr Bert Johnson: You would have been on that committee?

Mr Yocom: Yes.

Mr Bert Johnson: From your experience on that, that made you wish to become a contributing member of your community again?

Mr Yocom: Yes. It's something I missed, not contributing as much as I did in the past. I have lots of time and I'd like to get involved.

Mr Bert Johnson: How do you feel about the change between being a committee of council and now an appointed, if you like, arm's-length board?

Mr Yocom: It seems to work well. From the observations I've made, and I've talked to some of the municipal councillors and so on, it seems to work well. But I'd like to take a look at it myself and make up my own mind. I'd like to consult the members of the board and the police chief and so on and see if they feel that way.

Mr Bert Johnson: I'd like to thank you for your frankness, and thank the committee for my time.

The Chair: Your timing is exquisite; that's exactly 10 minutes. So thank you for that. We move to the official opposition.

1020

Mr Bartolucci: Let me follow up on a point that Mr Preston made, Mr Chair. It's very nice to have you back. Although Mr Martin did a great job, you do a superb job on my name, and that cannot be said by every member of the government side.

Mr Yocom, I know your background and I know of you and certainly of your dedication to the community. Sometimes people are asked to attend here not because we question your expertise or your dedication to the community but just to ask for your opinions. I believe that with your background, you are the type of person we would hope the government would always appoint to local boards.

Let me ask you just a few questions with regard to process. Having been a former police services board member, I view this board with much importance; it requires people who are truly dedicated to the community. Certainly, your résumé fulfils that. I'm asking you now just for your own opinions, that's all, and what you may have heard from police officers with regard to their very vital role and their very important role in a community that is sometimes shrouded with a great number of extenuating circumstances that require certain courses of action.

I'm going to talk for a second about the police services complaint commission as opposed to its being managed as part of a police services board. You will remember in the past that we, as board members, used to have a

division within the board that dealt with complaints. Now that's no longer the case; there is in fact a commission for that. Have you heard any opinions from any of the police officers in Espanola with regard to limitations or drawbacks to this type of commission?

Mr Yocom: No, I haven't, but that's one thing I'd like to learn about and talk over with the police services board and the chief of police. I think that as you've stipulated, that's a very important part of it. Complaints are something that certainly need to be handled very expeditiously and as well as possible.

Mr Bartolucci: A follow-up to Mr Johnson's question. You know you are truly in a unique position. You were the mayor of a town and now you're going to be a member of a police services board that's comprised of political appointments as well as municipal representation. Let me tell you, in my years on city council and regional council in Sudbury, probably the one thing that upset municipal councillors most about police services boards was the political appointees to that board. I know you've dealt extensively with Mayor Wong, Mayor Gordon, Chairman Davies and all the other reeves and mayors of the north. Do you share a bit of concern about the weighted balance of a police services board?

Mr Yocom: I don't think that's a problem in Espanola. I think we all understand each other and we're a pretty mixed culture in the town. I don't think it really matters politically. As far as that's concerned, I might say that I was contacted about applying for the Manitoulin-Sudbury District Health Council and was interviewed on a quiet basis, and when I went back and talked to one of the municipal councillors, he suggested and asked if I would apply for the police services board; in talking to another one, he stated that he would like to see me apply too. I might say that neither one of those are of my political persuasion or even each other's, I don't think either. That's the best way to answer your question. I don't think that we worry too much about politics in a little town like that. We get along.

Mr Bartolucci: Just let me tell you that they may not be of your political persuasion, but they indeed are your friends if they've discouraged you from going on the Manitoulin-Sudbury District Health Council, so you may want to consider their friendship and their political persuasion.

I want to thank you for your honesty. I know quite a bit about Espanola, having spent a lot of time in Espanola, and I know that they are truly the model of community-based policing, no question. I wish you well.

Mr Yocom: Thank you very much, Mr Bartolucci.

Mr Martin: Thanks for coming down today, Mr Yocom, or should I call you Jim?

Mr Yocom: Jim is much easier, Tony, to me anyway.

Mr Martin: We did indeed travel some space together. There was lots of travelling involved in the work that we did with the separate school board up your way. My political career took flight under the tutelage of people like Jim here in the late 1970s.

Mr Yocom: Thank you, Tony.

Mr Martin: Jim, in light of the fact that certainly my experience with you on the board was one of your positive contribution and your ability to get in and work and at times mix it up with people in terms of back and forth and questions and all of that, policing today is becoming more and more a very important issue. There certainly are some discussions ongoing about the approaches, how do we do it best?

There is on the one side an approach that was demonstrated very clearly around this place a week and a half ago, when the police came out with their batons and helmets and shields, something that I watch my kids do from time to time as they play, never thinking that would be a reality in Ontario. Then there's the other approach that I think people are trying to develop, particularly out in the communities that a lot of us come from, and that's a community-based approached to policing.

My question to you would be, which approach would you see as most helpful as we move into the end of this century and on to the next, and what's your understanding of community policing, Jim?

Mr Yocom: I think they have to be as high-profile as they can be and they have to be understanding of all the people in the community, behave as proper citizens and behave as gently as possible and at the same time provide an education for our young people and a broad spectrum of the public. They have to be very closely in touch with the whole community. I think that things will work out that way and probably we won't see as much violence as we have seen.

Mr Martin: So you think that approach to policing is the one that will give us the best results down the road?

Mr Yocom: Yes, I think it will. We don't have that kind of a problem in Espanola and I don't think we ever will, because we are very community-minded people, we very much think about everybody else in the community and that's the way it's been developed. I don't think there'll be a problem, in our area anyway, and I hope certainly that those things don't happen anywhere.

Mr Martin: Have you given any thought to initiatives you might be able to stimulate or initiate, on getting on to that board, that would take us down that road?

Mr Yocom: Not yet, Tony. I think I would like to have a few meetings with the police services board and with the chief and find out what they have in mind and then I'll probably have some suggestions down the road. But I think anybody going into something new has to learn and listen a lot and form his own opinions, listen to the other people who have been doing it for several years and find out where they're going and whether he thinks it's right or not before he makes any decisions about changes or have any personal agenda. I think you have to go along and find out what is actually going on before you make any wild stabs in the dark.

Mr Peter Kormos (Welland-Thorold): Good morning. What's the size of the board?

Mr Yocom: There are five members: two councillors and three appointed.

Mr Kormos: And the vacancy that you're occupying, how did that come about?

Mr Yocom: The member was not reappointed.

Mr Kormos: I note it was the third party, presumably us, that brought you before the committee. I have no idea why you were brought here. The fact is that there are more than enough dogs being appointed by the Tories

that should be screened by this committee that we shouldn't be wasting time with competent appointments like you.

1030

Mr Yocom: Are you implying I'm a dog?

Mr Kormos: No, on the contrary. You should see some of the stuff that's barked its way in and out of here that's been pure political patronage. You're an obviously qualified person to be on the police services board. I have no intention of prolonging this. I think you're going to get unanimous support from all the committee. We look forward to hearing, obviously, good things about you and your four co-board members. God bless. I don't understand why we waste people's time, when there are so many bad appointments that should be brought here to be screened out. People like you shouldn't have been compelled to come down to Toronto, but I hope you enjoyed the trip.

Mr Yocom: It was a nice drive down, Mr Kormos. I thank you for your comments and for your attention.

Mr Kormos: Take care.

The Chair: Thank you for those uplifting comments, Mr Kormos. If there are no other questions, then, Mr Yocom, thank you for coming before the committee. I think you can tell by the tone of the questioning that your appointment is appreciated by members of the committee. Thank you for coming before us.

Mr Yocom: Thank you very much, Mr Laughren and members. It's been very enjoyable.

The Chair: Just before we move on to the next intended appointment, David Pond, our research person, has an announcement.

Mr David Pond: I want to correct one small factual error in the paper I prepared for you on the Council of the College of Midwives. At the top of page 6 I've written "Midwives are financed through OHIP." That is not correct. They are financed through the Ministry of Health, pretty obviously, but not specifically from the OHIP envelope. That's it. Thank you.

DANIEL CALLAGHAN

Review of intended appointment, selected by government party: Daniel Callaghan, intended appointee as public member, council of the College of Midwives of Ontario.

The Chair: Please be seated, Mr Callaghan, and welcome to the committee. Thank you for coming. Did you have any opening statement you wanted to make? It's entirely up to you.

Mr Daniel Callaghan: Just a brief opening statement to give a feel to everybody here of who I am. My name is Dan Callaghan. I'm from Pembroke, Ontario.

My background: I spent a number of years with a trust company in this province, throughout this province, as a matter of fact. I moved around quite a bit. I bring with me a financial background. More important or in addition to that, over a number of years, as long as I can actually remember, I spent numerous hours and many days on various organizations, whether they be Big Brothers, Big Sisters or Rotary clubs, whatever I could be involved in in my community.

A little bit of where I'm coming from: I've never been one to sit back and be part of the problem; I always wanted to be part of the solution. The province as a whole has been very good to me over the years. I received a very good education from it. I grew up in a time where I came out of college and received a very good job. I guess that's the biggest reason that I'm involved. Sincerely, I want to give something back to the province.

Too many times we're takers, we're not givers, and my philosophy has always been, let's give our time to those we can. I enjoy it. Sometimes I take too much on, as my wife tells me. The other thing is that I have two young daughters who are growing up in this province. I just want to see them have all the opportunities that I had growing up in this great province.

I want to thank everybody here personally. I'm very grateful for the opportunity to sit on the council of midwives. I'm a hard worker.

Mr Bruce Crozier (Essex South): Good morning, sir, and welcome to the committee. Mr Callaghan, I see by the information given to us from the public appointments secretariat that you expressed an interest in serving on the Council of the College of Midwives of Ontario in particular. Could you tell me why it is that you have expressed this particular interest?

Mr Callaghan: There are a couple of reasons. Number one, I live in an area where we don't have midwives practising, up in the valley. I think it's important that everybody have choices. I see it as a growing field.

Secondly, as I say, we have two daughters, and we have two children that we lost. I guess deep down, personally, it's important to me to know there's a choice, and I know through midwives it's there. Maybe if for no other reason it's important to me, I look back to the time when we lost two children, and it's good to know there's a group of individuals out there who provide that shoulder in time of need. I know when we lost our kids, it was devastating to us. Midwifery—there's a service they provide. It's a little more personal touch.

It's important to me, it's important to my wife, and I guess again it goes back to—I think of my two daughters coming up and I hope there's another choice for them. I hope they don't face the dilemmas that we did with losing children. More importantly, when we had our first daughter, it was terrifying. It was get on the phone, "Mom, dad, what do we do next?" I know this is something that's near and dear to midwifery and I think it's important for people to know they're there.

Mr Crozier: That's an interesting insight. I thank you for sharing that with us. Obviously then, through this experience you've had, you feel you can give, in a non-professional way, a perspective to the whole question of midwifery in Ontario. Is that correct?

Mr Callaghan: I hope so.

Mr Crozier: I have no idea of the makeup of the board. There's no necessity, I guess, that any particular gender should or should not be on it. I guess I was curious as to why a male may be interested in this as opposed to a female, but you've given a very good explanation of why that is. Are you aware of the responsibilities of the council? Is this something you explored before you showed this interest?

Mr Callaghan: I have talked to some practising midwives, which gave me a great insight. You have a perception of what midwifery is and quite frankly, when I spoke with the midwives, I got a greater understanding for a very difficult job, I believe. You're 24 hours on call, in and out, and everything else. Basically, the council is the board of directors for the college. They are there to establish and maintain a code of ethics, ensure that proper practices are kept and, more importantly, I guess, they're there to ensure that the public's interest is taken care of, all of which is important to me.

I come at it from the point of view that, yes, I am a member of the public, but more importantly, I'm a father. I see it as a growing field and a great opportunity for students in this province. Yes, it is a great responsibility and I'm very much looking forward to it.

Mr Crozier: Can you ensure for us that you will not then be intimidated—if that's the proper word—that you won't take a back seat to the professionals you will be dealing with, that you think you can add a layperson's perspective to it and in that way be a benefit to the council, as opposed to the professional people that you will be dealing with on that council?

Mr Callaghan: I will be there as a public member and hopefully I'll be able to put my spin, or the public perspective to it. I don't begin to question or know what the professionals do. That's their job; they're trained to do it. I think it's important though, as a public member and not being someone who is actively involved in midwifery, that I'm there to say, "I agree with this" or "Could you explain this or that to me?" I don't see it as questioning the medical side of it. I'm obviously not an expert in that field. I guess I come at it with my heart and as a parent.

1040

Mr Crozier: That's great, and I think you bring an interesting perspective to this and I appreciate your openness with us this morning in explaining your experience that would lead you to want to serve on this council. We wish you well.

Mr Kormos: Obviously, your background has been of some interest in terms of why you would want to be on this particular council. How did you become aware of this body?

Mr Callaghan: I was approached by a gentleman from the Ministry of Health—I can't think of his name now.

Mr Kormos: Quite right. He obviously telephoned you or wrote to you.

Mr Callaghan: It was communicated to me by him.

Mr Kormos: How in the world would he have come up with your name?

Mr Callaghan: I had my résumé in because I wanted to be involved publicly to help the province.

Mr Kormos: Okay, so you had indicated you wanted to be appointed to some sort of board, agency or commission.

Mr Callaghan: Preferably something in the health issues.

Mr Kormos: And you indicated that in your correspondence to, who, the public appointments secretariat?

Mr Callaghan: I talked, as I say, to the gentleman with the—

Mr Kormos: Quite right, but you obviously made inquiries about who you send your résumé to.

Mr Callaghan: No, I just sent it up to Toronto.

Mr Kormos: To Queen's Park? Please.

Mr Callaghan: To Queen's Park, yes.

Mr Kormos: To the Premier's office?

Mr Callaghan: No, to the public appointments office.

Mr Kormos: You were familiar with that office.

Mr Callaghan: Yes.

Mr Kormos: Had you ever applied for an appointment of this type before on any board, agency or commission?

Mr Callaghan: No.

Mr Kormos: What was it in your life that prompted you at this point to do that?

Mr Callaghan: Quite frankly, the time is available to me now. I've been involved in a number of community activities and again, just to reiterate, if you got to know me, I'm the sort of person—I'm not prepared to sit back. I'm trying to be part of a solution, not part of a problem. I believe that too often we sit around and let other people do the work.

Mr Kormos: Sure. You spoke about a specific interest in midwifery. I don't usually rely on these stock questions, but here's one that really is quite relevant because midwifery, of course, is a distinctive and contrasting philosophy to not only giving birth, but a recognition of the right of a woman to control the birthing process, to control her own reproductive capacity, including the right to terminate a pregnancy. I trust you concur with that.

Mr Callaghan: I'm sorry, concur with terminating—

Mr Kormos: Yes, the woman's right to terminate a pregnancy.

Mr Callaghan: I really believe that's a personal choice of the individual.

Mr Kormos: But you concur with that, that it is a woman's right to determine that.

Mr Callaghan: Yes, I believe that a woman has a right to make her own decisions.

Mr Kormos: Yes, and you're aware, of course, of the contrast between the midwifery model of carrying a child and gestation and birthing, in contrast to the traditional medical model.

Mr Callaghan: Yes.

Mr Kormos: And of the critique specifically of the medical model and the problems that it poses.

Mr Callaghan: What I'm aware of is that midwifery provides from beginning to end, not just totally delivery, it's counselling for both parents, which is very important, and particularly the follow-up after the birth, which is very important, as opposed to other types of delivery.

Mr Kormos: You see, we've had midwives throughout the millennia, but specifically in Ontario the issue of midwifery arose in response to some concerns about the traditional medical model of responding to pregnant women and the medical response to the process of birthing. You're aware of the concerns that the midwifery advocates had, aren't you?

Mr Callaghan: Not really. As I say, I come at it from my perspective, that I believe in the practice; I believe it's important to have that choice there.

Mr Kormos: Yes, but why do you believe in the practice? Aside from the point of access to assistance

during birthing, do you advocate midwifery over medical responses to pregnancy, gestation and birth?

Mr Callaghan: No. I believe that we have to have choices, and this is another alternative.

Mr Kormos: Why would midwifery be an alternative? Why should it be an alternative? Why would someone want to choose midwifery over the traditional medical approach?

Mr Callaghan: Quite frankly, I believe, the personal touch.

Mr Kormos: The personal touch?

Mr Callaghan: Yes.

Mr Kormos: As in? Please, help me on this.

Mr Callaghan: They are going to counsel you from the time of conception to a number of months after the birth. I believe that's important. I believe that's a very good alternative. Again, I come at it from the point of view that I've had two kids, and I've lost two children. I think it's very important for people to have that alternative out there and have the choice of that alternative.

Mr Kormos: Yes, but aside from the counselling, are there any other aspects of midwifery that, in your mind, make it important to sustain that professional role, maintain it and regulate it?

Mr Callaghan: Quite frankly, it's because we're giving a woman the choice of having it.

Mr Kormos: You see, my difficulty with choice is, between what and what? You mentioned the counselling. What are the other distinctions, in your mind, between midwifery and the traditional medical model?

Mr Callaghan: We have the choice of home delivery as opposed to going to a hospital. I think that's very important for women to have that choice, that if they want to have it in their home, they can have it in their home. Midwifery has gone on for centuries, as you say. I just think it's a good alternative for us.

Mr Kormos: Yes. That's it?

Mr Callaghan: That's it.

The Chair: Can we move to the government side.

Mrs Lillian Ross (Hamilton West): Hi, Mr Callaghan, nice to see you today. Actually, the questions I had I think Mr Crozier and Mr Kormos raised. But first, when you first appeared here, I wondered the same thing, why would a man want to sit on a midwifery council? But knowing what you've told us about your background, I understand that. I also wondered, with your background being in finances and management, why you thought you had anything to contribute or why we would even want someone like that on it, but then I read the prospectus here and it said that public members appointed to the governing councils of the health professions are to bring a non-health-professional, citizen's perspective. So now I understand why we would want someone like you. I think you're so sincere and honest. All I can say is that I wish you well and thank you very much.

Mr Leadston: The members opposite were able to obtain from you the information that I wanted to hear this morning. You bring an element of sensitivity and respect to this position, and I think you will represent this government and this province and the members of the board with distinction.

Contrary to some of the comments that were made by the honourable member opposite earlier about men and women who come before this standing committee, in my opinion, I think we have had some excellent individuals willing to serve their communities, and particularly their province, and you're one of these fine individuals who has stepped forward and wanted to do a little bit more in their community. To that, I commend you and congratulate you and look forward to working with you.

Mrs Julia Munro (Durham-York): I just had one question that I wanted to ask you. It relates to a point you made earlier when you were talking about the opportunities that you have taken to talk to people who are midwives and the conversations that you've had with them. From those conversations, you'd have developed a sense of the issues and the concerns that are out there in terms of the issue of midwifery. I just wondered if you could tell us, given the conversations and the understandings that you have, what would you hope to accomplish as a member of this board?

1050

Mr Callaghan: I guess first and foremost is that we have approximately 70 or 71 practising midwives in the province as it stands now and an additional approximately 30 that are graduating from university this year. I guess my immediate concern is we have 100 midwives in a province the geographical size that it is. I know that most or the majority of the practices are in what we'll call the greater Toronto area or the Golden Horseshoe.

That concerns me in that I see great areas like the Ottawa Valley or up north or other areas where there's a need to have that service or that alternative available to those women who want it. So, number one, obviously I'd like to see it expanded to the Ottawa Valley and throughout the province.

Number two, I think it's an honourable field, a very good field, and maybe I'm coming at this as a parent again. I see so many of our young children going off to university and coming out of university and not necessarily finding a job in the field they want, or we train them and they go to the United States. Obviously, this is another opportunity for those who choose to get into the field of midwifery, and I think we need or I would like to see educating them that, "Here's an alternative if you want to get into it, a very good field, I believe." And again, to reiterate back to my first statement, obviously letting people know throughout the province that there is an alternative that's provided through midwifery, and let's get it spread out.

Mr Bert Johnson: Mr Callaghan, I wanted to explore a little about choice. A lot of us in our lives make choices and hopefully they're good choices, but every once in a while a person makes the wrong choice, and some of the hardest ones we have to live with are those where we have made wrong choices. I guess the first one is cost. You're saying that women should have the choice on the birthing process and so on. Should that be even if a midwifery service is more expensive than the traditional doctor? Should the woman have the choice even if that costs more, costs you and me more?

Mr Callaghan: That's a tough question in that it's my understanding from anything that I've seen that the practice of midwifery is no more costly than any other

alternative. I struggle with that one, as it's hard to put a dollar value on the choice of childbirth.

Mr Bert Johnson: Yes, because I go to see my doctor and my doctor's certificate has right on it, and I think most of them—mine happens to be a male doctor, but he has studied medicine and midwifery. So I'm glad to see your interest in this because of your gender. It's not solely a female study, so I am ever so glad to see you in this. But I wanted to pursue this about choice, because one of the other choices that has been made, and there have been unfortunate results from choices, is the failure of a midwife to recognize other medical problems, I guess. As a member of the council, are you prepared to live with those results, with those failures, as well?

Mr Callaghan: Until I really get involved in the board and see the things that actually go on and how the structure works in that specific issue, I don't think I'm really qualified to answer that.

The Chair: Thank you, Mr Johnson. That is the 10 minutes for the government side, including the two minutes of Mr Callaghan's opening. Mr Bartolucci had some more time left. You had a question?

Mr Bartolucci: It's a point of clarification, I think. In response to an answer from Mr Crozier, you said that you had an expressed interest in serving on this particular board, yet when Mr Kormos asked you the question, there was some hesitation in the answer. Could you please clarify, for me in particular and other members of the committee: Did you apply to serve on this particular council or was it simply a blanket application, wanting to serve regardless of what the council was?

Mr Callaghan: I was approached by Sasha from the minister's office and he asked me if I would be interested in sitting on a board, and in particular would I be interested in sitting on the College of Midwives? I said yes, I would be interested in that because of the reasons that I have stated: because I have kids, because I've lost kids. I'm not an expert on midwifery. It is something that I have followed throughout the years because of things that have occurred in our lives.

Mr Bartolucci: Just on a further point of clarification, please, Mr Callaghan: When you applied, was it then a blanket application for a position to serve?

Mr Callaghan: Yes.

Mr Bartolucci: All right. Thank you.

Mr Kormos: Again, following Mr Bartolucci, I understand that you indicated to us a general interest in something in health care?

Mr Callaghan: Yes.

Mr Kormos: You must have had something in mind. I mean, something must have been lurking, however modestly, in your mind as to the sort of board, agency or commission in the area of health care.

Mr Callaghan: To answer your question, what was important to me were two things: something to do with midwifery or childbirth because of the situations we went through; the other thing dealing with heart and strokes because of what happened to my father.

Mr Kormos: Did you indicate that in your letter to the public appointments secretariat, that something in the area of midwifery would have been desirable?

Mr Callaghan: No, I did not, because I was not aware of the inner workings of government.

Mr Kormos: Were you aware of this body?

Mr Callaghan: Yes.

Mr Kormos: Of the College of Midwives?

Mr Callaghan: I was made aware of it, yes.

Mr Kormos: You were made aware of it. Were you aware of it when you sent your letter to the public appointments secretariat?

Mr Callaghan: No.

Mr Kormos: You didn't even know there was a College of Midwives.

Mr Callaghan: I knew there were midwives and I knew that there was a governing board. I didn't know that we called it the College of Midwives. I'm sorry.

Mr Kormos: Did you know what they did?

Mr Callaghan: I assumed that they were the governing body for midwives.

Mr Kormos: Did you know what the qualifications were for sitting on it?

Mr Callaghan: Not as a public member, no.

Mr Kormos: I see in your résumé you were involved, as has been pointed out, in financial institutions: National Trust, Guaranty Trust, Municipal Trust. Is Municipal Trust still with us?

Mr Callaghan: Yes.

Mr Kormos: You moved on there to a car dealership.

Mr Callaghan: Yes.

Mr Kormos: What prompted you to leave the trust company business?

Mr Callaghan: I spent a number of years with the trust companies, moving around here, there and everywhere. Quite frankly, when we moved to Pembroke our children started to come along and we made the decision to stay in Renfrew county and in the Pembroke area. The banks were always moving you around and the opportunity presented itself to go to work for the automotive industry, where I went and did finance for a number of years. So that's what led us to go to there.

Mr Kormos: You made reference to volunteer activity in the community. You were a secretary of the Pembroke Rotary Club and you're a member of the Cobden Civitan Club.

Mr Callaghan: Yes.

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Mr Kormos: I don't know what the Cobden Civitan Club is.

Mr Callaghan: Cobden is about 25 minutes southeast of Pembroke. When we first moved to the area we lived in Cobden for about a year and a half. Consequently, when my children started school we moved up into the Pembroke area. We were commuting back and forth.

Mr Kormos: Yes, and what does the Cobden Civitan Club do?

Mr Callaghan: It's the civitan club of Cobden.

Mr Kormos: What do they do?

Mr Callaghan: We raise funds for community events, charitable organizations. We've been involved in such things as providing wheelchairs, crutches. We donate time and money to the CNIB for the eye bank. We've been involved in such things as building a beach down in Cobden, which they didn't have. We've built a number of

docks, a docking facility down there. All that's done through the Cobden—

Mr Kormos: I appreciate your comments. You make reference to your father and therefore an interest in heart and stroke issues, and of course your own family situation and therefore an interest in midwifery, you tell us. Were you involved with the Heart and Stroke Foundation?

Mr Callaghan: Yes, we canvass for the Heart and Stroke Foundation as well as the cancer society.

Mr Kormos: And what other activity? You have an interest in the medical field.

Mr Callaghan: Other than that, that's been about it.

Mr Kormos: Did you become a member of the local hospital association such that you could vote for a board of directors?

Mr Callaghan: No, I have not.

Mr Kormos: Why wouldn't you have done that with your interest in the medical field?

Mr Callaghan: Well, I chose to do it through community groups, service clubs. I was in a job, the position with the car dealer, where I was spending 12 hours a day, six days a week, selling cars and I had to step back from a lot of those things.

Mr Kormos: And you're retired now.

Mr Callaghan: I am currently out of work.

The Chair: Can you do your wrapup, Mr Kormos, please?

Mr Kormos: Thank you.

The Chair: Mr Bartolucci, you still have some time left.

Mr Bartolucci: By way of clarification again, earlier you indicated to me that Sasha had approached you from the ministry's office with a specific recommendation that you apply for this particular committee, yet to Mr Kormos's question you said that you weren't aware of this committee. Could you please just give me the time frame as to when all of this happened? There's a grey area here.

Mr Callaghan: I'm not sure I understand the time frame.

Mr Bartolucci: Okay, Sasha approached you to sit on this committee. Was it before or after you applied?

Mr Callaghan: It would have been after I had sent my résumé to Toronto, yes.

Mr Bartolucci: And you weren't aware of the committee before you sent your application in.

Mr Callaghan: The committee per se, no. That there was a set committee, no.

Mr Bartolucci: And who indicated to you that you should apply for an appointment?

Mr Callaghan: No one in particular. I had just sent it up.

Mr Bartolucci: No one had instructed you as to what the process was?

Mr Callaghan: I'm a babe in the woods. Sorry.

Interjection: Babe in the woods. That's a good one.

Mr Bartolucci: Yes, all right. I won't touch it. Thanks.

The Chair: If there are no more questions, Mr Callaghan, thank you very much for coming before the committee and for helping us out as we review your appointment.

MICHAEL AYOUB

Review of intended appointment, selected by official opposition party: Michael Ayoub, intended appointee as member, Ontario Film Review Board.

The Chair: Mr Ayoub, we welcome you to the committee. If you wish to make any opening comments, please go ahead.

Mr Michael Ayoub: Yes, I would. There are a few things that I would like to add to what you have in front of you. I would like to say that I was born and raised in Timmins, Ontario, and proud of it. I attended Pickering College in Newmarket, Ontario, and I have lived in Unionville, in Toronto and Muskoka for the last 25 years. So consequently I have been in different areas of the province, obviously.

Also, as the cofounder and artistic director of the Muskoka Festival I was very definitely involved with different communities within Muskoka and had to choose material that was relevant for all of those different areas. We also were involved very deeply with touring across the province, and consequently I had to take into account the different community standards of different areas such as Chatham, Ottawa etc, because we toured the whole province.

I have also served on many juries, and what I mean by "juries" is not in the legal sense of courts; I'm talking about juries within the arts in terms of coming to some kind of consensus. I've done community work all my life, especially for the Canadian Cancer Society, which I'm still doing, the Multiple Sclerosis Society of Metro Toronto, agencies such as PACT—I can go on and on—and finally, I am the father of four children. I very much appreciate coming before you and I very much want to be part of the Ontario Film Review Board.

The Chair: Thank you very much, Mr Ayoub. We'll start off with the New Democrats. Any questions, Mr Kormos?

Mr Kormos: Yes, I do, Chair. I read your résumé and you've got obviously an active and long-time participation in both theatre as well as film production. Most recently Sid Adilman in the Star writes about the crisis within the Ontario film industry specifically because of the prospect, although it hasn't happened yet, of defunding support for Ontario filmmaking. Obviously, you've had, with your active involvement in film production—my impression is, in Toronto especially but certainly not restricted to Toronto, because there's a whole number of communities in the Toronto area and beyond where economies have developed around film production—

Mr Ayoub: Very much so.

Mr Kormos: —and more importantly where there's a culture of filmmaking. I'm talking about the talent, not just academically trained, but by God, they've been out there making good films successfully, so we've got a culture of filmmakers, and not just from the acting point of view—

Mr Ayoub: In actuality, the ones that are making all the money are the crew. They're buying homes. We do have a core.

Mr Kormos: That's right. What's going to happen to that community, to that culture if we see a defunding of admittedly government support for film production here in the province?

Mr Ayoub: It's a good point. One of the reasons we do have or have become—let's use Sid Adilman. He's always using the quotation "Hollywood North." One of the reasons we have become Hollywood North has a lot to do with the Canadian dollar. It also has a lot to do with what you brought up, which was very important: We do have a strong core of experienced people in terms of crew, actors, directors, film houses, production houses. This has come about over the last five to 10 years. A lot of that has come about because Americans have been coming to Canada and basically using us. I hate to use that word "using" us, but what I mean by that is they're coming here for a reason: It's cheaper. But that has benefited us.

I think that will still continue, Peter. The reason I think it will continue is that yes, we all know that funding is going to be cut everywhere; it has to be; we don't have any choice. But at the same time there is a benefit, and we always in the business use this criteria, that for every $1 invested, another $3 to $10 are accumulated throughout different enterprises. What I mean by that, for clarification, is that if someone is given $1 for film, that crew will come and live in Toronto or live in Unionville, wherever they're filming, they will spend the money in lodging, they will spend the money in meals, they will use catering, they will use different—it's a long, convoluted exercise, but I think it will continue. I am worried, though.

Mr Kormos: That's right, the Hollywood North phenomenon may continue because of the differential in the dollar and the fact that we have qualified workers here, but what about the made-in-Ontario film industry?

Mr Ayoub: That's the one that bothers me.

Mr Kormos: That's right, that's the one that's really at risk, isn't it?

Mr Ayoub: That bothers me. I don't know if I mentioned it in my opening statement, but I'm an advocate, a very strong advocate, and always have been, of Canadian art. I do not want to see us become just an extension of the United States. We have a great giant to the south but we have a great tradition of both British and French background, and I don't want us to lose that.

1110

Mr Kormos: And a few Hungarians and Slovaks and Italians thrown into the—

Mr Ayoub: Yes.

Mr Kormos: Among others.

Mr Ayoub: I hope and I think it will, only because of the proliferation—I'm talking about the 500 channels, I'm also talking about the specialty channels. The CRTC has certain rules and regulations and there's Canadian content and I hope that the Canadian content keeps there. As you have seen in the music industry, when the Canadian content was imposed, all of a sudden we had Canadian artists who were stars, who became international stars.

I can keep on going on. I don't know if you want me to, but I'll give you an example of Quebec. Quebec is a great example of the culture industry being able to live and survive within one province.

Mr Kormos: Which is not only a critical success, it's also a commercial success.

Mr Ayoub: Also a commercial success. In other words, the Québécois believe in their own people and they believe in their own industry and they support it. I want to see the same thing happen in Ontario and Canada.

Mr Kormos: Do you have fears, then, about the defunding? I certainly do.

Mr Ayoub: I think everybody does. I can't deny that I wouldn't have fears about it. I hope that what it does do is it forces us—and believe it or not, a lot of this is happening—to amalgamate with other countries and other producers. As a matter of fact, we now have within the last 10 years five major companies—Alliance, Atlantis etc—that have formed major associations and are producing with Americans and the British and I think that will continue.

Mr Kormos: But we get a big bang for the buck in terms of the public dollars invested in Ontario filmmaking. There's a real return on that.

Mr Ayoub: Very much so, otherwise they wouldn't be in business.

Mr Kormos: I think it's dumb to defund it because what we're doing is we're cutting ourselves off at the legs. It's nuts.

Mr Ayoub: At the same time, as I'm saying, we have to find—we know it's happening—other ways of funding it and that's one of the ways of funding, is by using coproductions.

Mr Kormos: One of the dilemmas that the Ontario Film Review Board has had is that they've been relied upon by, for instance, retailers of videos, and unsuccessfully, as defences for Criminal Code prosecutions.

Mr Ayoub: Yes. I'm aware of this.

Mr Kormos: That's right. What's your response to that? Because you've got to admit, from a commonsense point of view, although Lord knows we haven't seen a whole lot of it in the last eight, nine months here in the province of Ontario—

Mr Ayoub: Come on, guys.

Mr Kormos: They're not up to it. From a commonsense point of view, if you were a retailer or a renter of videos and the Ontario Film Review Board says, "Okay, restricted," but hell, those people watched it, it's not unfair to presume it must be legal. Right? It must be kosher.

Mr Ayoub: Yes.

Mr Kormos: And that is a dilemma. What's your response to that?

Mr Ayoub: That dilemma was tackled, I believe, in the Butler case. Is that what you're referring to? If you don't mind, if I could read something to you from that, because it has a lot of legalese developments in it. You're talking about obscenity?

Mr Kormos: Now here's a candidate for appointment who has taken the time to research, who shows specific interest, beats the hell out of a whole lot of the other people the Tories have brought through here. Go ahead, sir, sorry.

Mr Ayoub: The Butler decision, for those of you who don't know, was a very major court decision that came down, and the Ontario Film Review Board does not want

to conflict with this court decision. What it had to do with was obscenity, as was mentioned, and "the undue exploitation of sex or crime, horror, cruelty and violence." It was determined that "It is the standards of the community as a whole which must be considered and not the standards of a small segment of that community."

There was also a tolerance test that was included in this, and that "does not concern what we as members of the community would tolerate being exposed to ourselves but what we would tolerate other Canadians"—and I put in the term "Ontarians" there—"being exposed to." I hope that answers your question.

So there are certain things that the Ontario Film Review Board is in charge of, there are certain things that the court is in charge of and there are certain things that the police are in charge of. The Ontario Film Review Board goes along with what the court decision has been.

The Chair: We'll move to the government side for questions.

Mr Leadston: Mr Ayoub, you obviously, from your résumé, have a very creative and gifted background and I'm sure will have many, many more years to contribute to the creativity of this great province.

Mr Ayoub: I hope so.

Mr Leadston: You obviously have done your own research in terms of the responsibilities. When a member views a film, after that viewing, what occurs in the process? Can you enlighten me?

Mr Ayoub: Yes. I'll have to embellish just a bit. There are 25 to 30 members on the Ontario Film Review Board. There is a chairman, who happens to be here right now, and there are seven vice-chairs. Out of that group, there are sittings of three people at each committee, and one of those people is a vice-chair. So that leaves two others. What they try to do is they try to mix—I hate to use this kind of delineation—a man and a woman, or a female-male composition. There are different people from all segments of society.

Before we view the film, there is also advertising that we have to look at, because we are responsible for that also. We view the film, we also take notes while we are watching it, and at the end of the film, we then make our own decision, each one of us, under four categories of what that film falls into. Those four categories are: family, parental guidance, adult accompaniment and restricted. Obviously, we would have a conference after and make a decision on that particular film. We would say, as an example, "In frame number 40, there was undue exploitation." The decision is made. We sign a piece of paper that says, "This is the category we are putting this under," and then it becomes legal. Is there anything else I can add to that?

Mr Leadston: No. Obviously there are films or videos that spark, I'm sure, in your mind, very little visual interest.

Mr Ayoub: Agreed.

Mr Leadston: Do you fast-forward them?

Mr Ayoub: You have to understand, sir, I have not been a member of the Ontario Film Review Board. I'm an intended member. I have talked to other people and they have said, to be quite honest, when you get into some of the—how can I put it?—more esoteric kinds of movies—for instance, you have to watch Indian movies, you have to watch Chinese movies, you have to watch everything. There are approximately 3,000 movies that are watched in one year, and there's a heavy backlog. As I understand it, sometimes yes, there is fast-forwarding, but that only occurs if, let's say, there is a restricted element that is already at the beginning of the film. Well, you know that's already restricted. "Can we fast-forward to something else?"

Mr Chris Stockwell (Etobicoke West): I do that too, though.

Mr Ayoub: You do that too.

Mr Ford: Is the Ontario Film Review Board empowered to censor films or does that have to be done by the courts?

Mr Ayoub: The Ontario Film Review Board is there to classify and approve. I would hate to say that it also has the right to censor, but it does, and the way that it does is that it can refuse to approve a film. That could be considered censorship. Personally, I am against child pornography. If there's anything to do with child pornography, that, to me, should be censored. In all honesty, I am not for censorship as a whole, but there are examples where something should be censored or—let's use the word "approved"—not approved. In that sense, if we don't approve it, we are censoring it.

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Mr Ford: But if there's conflict there, does it go before the judiciary to decide?

Mr Ayoub: What happens in this particular case, as I understand it, is that if there is a disagreement, the distributor who has presented the film for the review board to look at can make an appeal. Say that the film review board says, "I'm sorry, we are classifying this movie as not suitable for a certain audience"—let's say that they want to have an AA rating and it's given a restricted rating, as an example. They can have an appeal, and the appeal is usually done by another group from within the Ontario Film Review Board who look at this film and then make a decision. If the distributor feels that group has still made the same decision, they can make an appeal. That's basically what it comes to, and then if they want to take it to court, let them take it to court.

Mr Ford: Do all films have to go before the review board?

Mr Ayoub: All films should go before the Ontario Film Review Board because they have to be categorized, and also without the approval of the Ontario Film Review Board they are not supposed to be shown whether in video shops or in theatrical release.

Mr Ford: But some of them do get through.

Mr Ayoub: There are a lot that do get through, as you have probably read, and that's the underground and that's where the police come in, and they have been raiding and stopping it. As you know, you've read in the paper, for instance, there was the whole—is there anybody here from London? Yes, there is. There was a major seizure in London of child pornography films. There's no denying that it goes on, but we want to stop it. That's where the three of us have to work hand in hand: the Ontario Film Review Board, the police and the courts.

Mr Ford: That's good. A good response.

Mr Fox: How can the Ontario Film Review Board protect Ontarians by ensuring the films reflect current community standards?

Mr Ayoub: Good point. This is always a contentious issue. For instance, there is a statement that is put out. First of all, there are different people on this committee from different professions, from different walks of life, a broad spectrum from across the province. They're not just from Toronto, they are from all different parts of the province. They have wide and diverse professions. They form that core of 25 to 30 people that I mentioned to you. That's number one.

Secondly, the Ontario Film Review Board is open to any group that wants to come and view what we do when we are watching a film and how we rate them. So the public can do that; it is open.

The third way is that the Ontario Film Review Board also is told to go out within the community and to speak to public groups about what we are about and about what we do.

The fourth element is to get feedback from those different groups and to be quite aware of what is happening within the media, what is happening within the community at large, and also, and this is most important, not only to bring my own feelings of what I think is right or wrong, but what I feel my community feels is right or wrong and what can be tolerated for the community as a whole. Consequently, I think it's very important. Does that answer your question?

Mr Fox: Very well.

The Chair: That's the 10 minutes. We move to the official opposition.

Mr Bartolucci: You know, Michael, in answer to an earlier question of Mr Kormos, I must tell you, as the Liberal arts and culture critic, it is refreshing to see a Tory who really does have a genuine concern about the cuts that are taking place to the film industry, but that's only an aside. That honesty obviously comes from your early upbringing in Timmins. Truly, in the north we know the importance of telling the truth at all times.

Let me follow up on two points because I think they're of concern to the public at large, and that's with regard to the licensing and the whole procedure with regard to videos: the display of videos, the processing of videos etc. You have enormous experience, there's no question about that. How could that segment of the review board be strengthened?

Mr Ayoub: They are doing more, and there is still more to be done. I think the way to strengthen that is, for instance—I said I had four children. I like the idea of somebody telling me personally that not only is this a restricted movie but there is a warning attached to it that it has very explicit sex or the fact that it has undue violence. I think more of that has to be incorporated, especially with the videotapes. As I understand it, the Ontario Film Review Board wants to do that. I'm all in favour of it.

If you will notice on TV, for instance, you now have a so-called V-chip. It's happening that when you watch something on television, a "V" will come in and say, "Hey, this is a violent movie." I think the more of that the better. The thing is that we have to come to a consensus with the Ontario Film Review Board, which is important, and we have to inform and we have to educate. The more that is done the better it will be. Does that answer your question?

Mr Bartolucci: Yes, it does, Michael. Thank you very much. I was also very impressed with your answer to Mr Fox with regard to community standards. That's very, very important. That's such a hard thing to define on an ongoing basis.

Mr Ayoub: It is.

Mr Bartolucci: That's, I believe, a challenge that you will face as a board member and that certainly the board faces.

Talking about that, when I was involved with the police services boards at the Ontario, Canadian and in fact international conferences I attended, all police chiefs, from whatever jurisdiction we're talking about, were incensed that there seemed to be an undermining in the process of policing because of the board's actions or inactions at times.

Do you feel it's a very, very important part of your mandate to ensure on a rather regular basis—and I don't mean monthly, but maybe yearly or biyearly—that you circulate flyers or surveys to police services boards to find out what those community standards are and how they've changed over the course of time? To only have members of the board from a variety of jurisdictions in Ontario may not be enough. I think that's the argument that police services boards have been making over the course of the last several years. Do you agree with that?

Mr Ayoub: I can see the dichotomy that is there. For instance, as I stated earlier, the Ontario Film Review Board abides by court decisions. We are not there to censor; we are there, again I emphasize, to categorize and to inform. The police have their own agenda. For instance, they have to, as I mentioned earlier, go after the child pornographers. One of the articles I recently read said that's all they're doing. There are so many child pornography films out there that that's keeping them on full-time.

So, in terms of liaison, yes. I'm not sure, to be honest with you, whether or not there is the kind of information that you've mentioned already ongoing. I apologize for not knowing that. It may be; if it is not, definitely it should be done. I don't see any reason why it shouldn't. We should be dealing with all aspects of society, and the police definitely are part of that.

Mr Bartolucci: Good luck, and thank you for your frankness.

Mr Michael Gravelle (Port Arthur): It's tied into community standards, I guess, but I'm curious about aspects of violence as opposed to even, and as comparing it to, sexually explicit material. I think a lot of people would argue and say that indeed for some reason it appears to people that violence condoned on the screen is more than sexually explicit activity. We've all seen statistics on children over the years in terms of seeing more murders and more violence on television, let alone on films.

1130

Do you agree that there seems to be a different standard of what is accepted and considered acceptable in

terms of violence, and do you have a standard? Is there in any way a list that says, "We only allow so many violent acts in a film," or a definition of what is truly violent? Is it gore? It's quite true that one can certainly go to a film and see hundreds of people in quite a macabre way being murdered or certainly hurt and that somehow is a film that you can bring your 14-year-old to, whereas another film that perhaps would be described by some people as being a very loving film would be restricted.

Mr Ayoub: You have three questions there, so if I can start with the first one, yes, there is more violence. There is also a tendency, because society has changed since the—well, I will use the infamous Mary Brown days. Society accepts more violence on the whole. We've become more conditioned to it.

The second question, yes, there is a list of violence and how it can be condoned: what is not condoned and what becomes restricted, what becomes adult accompaniment and what becomes parental guidance. These are all written out. There are guidelines that we have to follow. That's the answer to your second question.

The third question is, you also run into something—and I'll use the example of Schindler's List, which I think has been used in the past. There was an awful lot of violence in Schindler's List, but Schindler's List was a great movie. It was also an artistic movie, and it was something that could educate and inform. The board in its wisdom, I believe, decided not to make that movie restricted, decided to make that movie AA, adult accompaniment, and I go along with that wholeheartedly.

What you have to look at is the art itself. What is the artist or the filmmaker trying to do? Is he just trying to exploit or is he trying to create a vision? You have to look at the whole film in its entirety to make that decision.

Mr Gravelle: Absolutely. I guess I'm thinking in terms of the whole question of what is artistic.

Mr Ayoub: That's right.

Mr Gravelle: Obviously people in a personal sense vary their opinions very quickly. But one looks at films—and I guess I shouldn't probably simply name a particular performer, but when you think about it, a Sylvester Stallone film like Assassins or whatever—

Mr Ayoub: It's going to be an action thriller.

Mr Gravelle: Is there a sense developing, do you think, in terms of the board too, that people view certain films which would be considered violent in terms of the carnage as having a cartoonish quality in them, and therefore there's a sense that this isn't real violence? It's a subject that we can talk about forever, of course, but it is a concern to a lot of people, certainly in my riding as well. They'll take their children to a film and be quite shocked to find out that it was more violent, and what is considered to be cartoonish by some, certainly isn't considered cartoonish by others.

Mr Ayoub: That's where, as I mentioned earlier, maybe what we have to do is put more warnings. If we not only say this is restricted but we add the warning, "Extreme violence," then a parent can make that decision. But it's not up to us to make the decision whether or not the parent takes the child to see it.

Mr Gravelle: I certainly think that parents use the classification system in a very real way.

Mr Ayoub: Yes, and I think they should.

Mr Gravelle: I'm very involved with the film society in Thunder Bay and I certainly know people have been critical of us at times, because we weren't clear enough in letting them know what this film was about. We tend to think we bring in high-quality artistic films, but I think people are critical. "Gee, we didn't know enough about the film. I wish you'd given us more of a warning." I'm very sensitive to that as well, because people really do, I think, look at the classification system and look at the detail to make a decision of whether they would want to go themselves, let alone bring their children to it.

Mr Ayoub: I agree.

The Chair: Thank you very much, Mr Gravelle. Mr Kormos, there's one minute left on your time.

Mr Kormos: As a result of what has been discussed, I think everybody's view is that we rely on artists to sort of push the envelope, to provide leadership. I recall, for instance, the incredible uproar over Robert Mapplethorpe, the photographer in the United States. Helms and the wackos were again—

Mr Ayoub: The homosexual element.

Mr Kormos: That's right. Mind you, Mapplethorpe became very popular after Helms, but most recently in Toronto there was the young artist—I can't remember his name but his lawyer was Frank Addario—acquitted as a result of a series of paintings now on display in London, Ontario, which were perceived by some, and certainly by the police, as child pornography because they appeared, not inappropriately, to portray incestuous and paedophiliac relationships.

How do you respond to the right and the need of an artist to push the envelope, but at the same time recognize—because we're not talking here about those fuzzy 8-millimetre porno flicks. We're talking about quality art—

Mr Ayoub: No, I understand what you're saying.

Mr Kormos: —and we're talking about artists who are trying to shock, provoke, confront, but none the less, say something. How do you reconcile that, especially in your role?

Mr Ayoub: I think you reconcile it the same way I mentioned to you about Schindler's List. You look at the overall artistic merit and you also look at the overall vision of what the artist is trying to do, and if it becomes something that you think is gratuitous, if it is something you think is there strictly for a sell, if it is something there to shock—now an artist may want to shock you. That may be part of that artist's vision, but as I'm saying, that has to be discussed and there is not only myself, if I'm appointed, but there will be two other members on that board who are viewing it with me and at the same time there is a chairman and decisions will be made.

There's no doubt that arguments will be done on that. At the same time, you just have to watch, you have to—it's very difficult, Peter, and it's difficult for society, it's difficult for the community as a whole to make a decision. No matter what you do, you're in a catch-22.

The Chair: Thank you, Mr Kormos. We are out of time. Mr Ayoub, thank you very much. You've been very

helpful to the committee. I think I reflect the views of the committee when I say that. You've been most helpful, so thank you very much.

That completes the review of the three intended appointments for this morning. Now we can move on to the concurrences.

Mr Bob Wood (London South): I move concurrence in the intended appointment of Jim Yocom.

The Chair: All in favour? Opposed? None. Done.

Mr Bob Wood: I move concurrence in the intended appointment of Daniel W. Callaghan.

Mr Kormos: As the committee noted there was unanimous, I believe, effectively, voice vote support for the appointment of Mr Yocom, and I should tell you now I would enthusiastically support the appointment of Mr Ayoub to the Ontario Film Review Board.

Look at what we've got here. We've got a person who's prepared to serve on that board, who came here not only with a wealth of background, but meticulously prepared, both I presume for the purpose of responding to the committee, but also in preparation for the sort of tasks that in this case he is going to have to perform on the Ontario Film Review Board, familiarity with the Butler decision, indeed an important decision and one that has significant impact on the OFRB, a person who has clearly something that goes far beyond interest, but a philosophical understanding of the tensions, of the contradictions, of the difficulties, yes, of the great difficulty that the OFRB increasingly is going to have reconciling the right of artists, for instance, the right of the community to watch what it wants to watch with the need—

The Chair: I'm sorry to interrupt you, but it moves to—

Mr Kormos: I know what we're getting to, Chair.

The Chair: Mr Callaghan, okay? These aren't always brief, but they're always relevant. I want to make some contrasts here. I want to explain why I'm saying what I'm going to say about the subject matter of the motion currently on the floor. Once again, Mr Ayoub illustrates the ideal type of appointment. He illustrates it not only with his background but with his manner before this committee, albeit in a brief period of time.

1140

Now, Mr Callaghan—wow. What have we got here? A perfectly nice person. There's nothing to suggest that Mr Callaghan is less than a good member of the community and a good parent to his children and an all-round kind of nice guy, but we're proposing to appoint to the council of the College of Midwives of Ontario, with council meeting approximately two days a month, according to the information I have, being paid per diems of $150, but a very important role. Notwithstanding that this isn't a high-profile, or hasn't been a high-profile council, no less important than the appointment to any other board, agency or commission, indeed more so because of the genesis of the movement for midwifery here in Ontario back two decades-plus ago.

I have no doubt Mr Callaghan meant everything he said. That's what troubles me even more, because he had so little to say. He didn't have any comprehension of the contrast and conflict between the medical model of birthing and the midwifery model of birthing and care during gestation and post-natal care. That seems to me to be crucial, essential, to understand that it's not just a difference of deciding whether you, a woman giving birth, want an MD to participate in your birthgiving or a midwife, because as was pointed out by Mr Johnson, there are a whole lot of MDs who may well be midwives at least from the College of Physicians and Surgeons' perspective.

The fact is there's a history here. There are profound philosophical differences between the two roles. The midwifery movement has identified very clearly some very specific concerns about the medical model of birthing. Unfortunately, Mr Callaghan shows neither an awareness of these difference nor, quite frankly, an interest in these differences.

Here we are once again. There are limited appointments to the council of the College of Midwives. I'll tell you what my impression is. We had to administer Novocain, but finally enough drilling and we got there. It seems that Mr Callaghan wrote: "I want to be appointed to anything, preferably in the health care field. Just get me an appointment." He first because aware of the council of the College of Midwives when it was suggested to him that there might be an opening there. I've got a feeling that somebody had to scramble to find Mr Callaghan an appointment somewhere. So be it, but the fact remains that unfortunately I've got a suspicion that there's a whole lot of people in this province far better qualified to serve on that particular council.

Please, we don't appoint people just because there happens to be a vacancy and they happen to be on some sort of short list. We should be appointing people who demonstrate an interest and a passion, as Mr Yocom did earlier today, as Mr Ayoub did a few moments ago. Mr Callaghan lacks that. I'm not being critical of Mr Callaghan, but I certainly cannot support, in the interests of the important role that this college, this council has to perform—I think it would be delinquent. It would be irresponsible. It would be an affront to the progress that's been made in the recognition of midwifery to appoint Mr Callaghan to that council. This is an ill-thought-out proposition or nomination. There's something here that one can't quite get a handle on as to how Mr Callaghan comes before this committee for this particular appointment to this particular council.

Please, I exhort the members of the committee to not approve Mr Callaghan. I'm sure there's someplace, somewhere where his role as a manager of small community trust companies and as a car salesman is going to be relevant. As a matter of fact, within the Ministry of Consumer and Commercial Relations, for instance, there are areas that deal with regulation of car dealers and car salespeople where both Mr Callaghan's financial background and his role in the automobile retail industry will be relevant, but not the council of the College of Midwives of Ontario.

Women have fought for this for decades in this province and fought some fierce battles in the face of a very powerful, wealthy and influential opposition by the medical profession, and for reasons that Mr Callaghan couldn't understand, it would be an affront to those women to appoint Mr Callaghan to this council.

The Chair: Mr Kormos has hinted that he may not support the appointment of Mr Callaghan. Any other comments?

Mr Bartolucci: I'm not going to be supporting the appointment as well, but let me tell you why. I believe the process is flawed anyway right from the very beginning, the way these types of things happen. Whether on purpose or by accident, we don't receive all the information or we receive answers that are less than frank. Nowhere is it pointed out that Mr Callaghan is the former Tory candidate in the June election, and a defeated candidate. He never mentioned that in his desire to serve. It wasn't in his résumé. He certainly wasn't frank in his answers as to what the process was.

I have to tell you that I don't mind supporting people like Mr Ayoub or Mr Yocom because they are truly dedicated, qualified and will serve and make a positive contribution. I have a great deal of difficulty supporting a person who is less than frank, because if he's being less than frank with us, I believe the role he's about to serve is important and it deserves the opportunity for the board to be a very functional, proper board if everyone is very frank on it.

I agree in large part with what Mr Kormos said. Clearly, this candidate isn't qualified for the position, nor in my own opinion does he carry this intense interest in making a difference to health care as he suggested earlier.

For that and many other reasons, I will not be supporting Mr Callaghan.

Mr Crozier: I too will not be supporting Mr Callaghan's proposed appointment. I agree with what has been said by my colleagues, and only to add to that, I am very suspect of someone who, I think in this case, was simply misleading, for no other reason than that it says so right in the public secretariat's information, "an expressed interest in serving on the council." I asked him that question directly. He said in the affirmative that he was, and I believe at the outset that he was simply approached so that he could get a job somewhere in the province.

It's really getting a little sickening. I understand how the system works, but when what I assume will be support by your side this morning to an application like this, and then—maybe the assumption's wrong and I hope it is—purely because this person was, as Mr Kormos has often said, a Tory hack—for example, in my own riding three defeated Tory candidates now have provincial appointments. I'm curious when the other two are going to come along. It's going to be interesting.

You know, folks, it does get a little sickening, and it's even worse when, as has been pointed out, there must be a number of people in this province who are far more qualified for this position.

The Chair: I have Mr Kormos and then Mr Wood.

1150

Mr Bob Wood: I'm going to ask for a deferral for a week, so if Mr Kormos still wants to speak, he's welcome to.

Mr Kormos: Please, I feel compelled to, Chair.

The Chair: Go ahead.

Mr Kormos: Thank you, Chair. I must admit that I'm somewhat shocked by the revelation by Mr Bartolucci as to Mr Callaghan having been a Tory candidate, an unsuccessful Tory candidate. Let's face it, if you were an unsuccessful Tory candidate in this last election, you really were at the bottom of the barrel. They ran dogs who got elected and here's Mr Callaghan, who in this massive Tory sweep couldn't manage to acquire the support of his community. Wow. Blows my mind.

This is shocking because Mr Callaghan made his pitch about, "Ontario has been very good to me and I want to give something back." I suspect that was part of the pitch he made to the people in his riding during the course of May 1995. They didn't believe him and I quite frankly now am not prepared to be quite as benign about my comments to Mr Callaghan.

I inquired about the Rotary Club and the Cobden Civitan Club and he indicates these are ways in which he wants to give back to the community, huh, Chair? He wants to give something back for all that he's received from this great province. He omitted to mention that he was offering himself up in May 1995 in anticipation of the June voting day. One has to come to the irresistible conclusion, one can only draw one inference from his omission. After he attempted to pad his record of public service now that he's an unemployed car salesman, that he didn't mention his candidacy to me is an omission that amounts to an outright lie. The man clearly lacks integrity, lacks honesty and I am not prepared to stand by what I said earlier.

As I say, the revelation that he was a Tory candidate in the last election, that he failed to divulge that, in my view one can assume safely and one can infer that there's a whole lot more that hasn't been divulged here as well, including the process whereby he was prevailed upon to apply for a board, agency, or commission, the fact that here's a few hundred bucks a month for somebody who hasn't got a job and appears not to have acquired one since April 1995, appreciating of course that in this Tory Ontario, as more and more jobs disappear—indeed, the Lincoln County Board of Education and the Niagara South Board of Education last night announced, in Niagara South's case, that junior kindergarten was cancelled and that in excess of 200 teachers were being laid off in Niagara South. In fact, this government has created 500 new jobless in Ontario as of yesterday down in Niagara region, in addition to the thousands across the rest of the province, including hundreds in the Bancroft area, as a result of a fax I received yesterday.

In any event, that's not the point, is it? That's a different debate. This clown couldn't get the support of his community in the midst of an almost unprecedented Tory sweep. This guy lied to the committee by failing to mention that, notwithstanding a number of opportunities. This guy's playing fast and loose. He's an embarrassment to the people who put his name forward and I, once again, have even less confidence in his ability to serve in this very sensitive role in terms of regulating the role of midwifery. I tell you, the women who fought for midwifery as a professional status in this province are going to be outraged if they discover that this hack was bumped into a position so important to women and so hard fought for. Obviously, I haven't changed my mind about not supporting his nomination.

The Chair: Members, of course, will have their own views. The Chair is uneasy about some of the words. I

think you could make an argument about sins of omission, if you will, from the intended appointee. I don't know about "lie." That bothers me, because I didn't detect one in his presentation. However, people will have their own views.

Mr Bob Wood: I don't think there's the slightest scintilla of evidence that this man lied to anybody. I think it's quite unfortunate that some of the members suggest that without any supporting evidence whatever. However, I would ask, pursuant to the standing order, that this consideration be deferred one week.

The Chair: A motion has been put that the—

Mr Bob Wood: I don't think it's a motion, sir. I think I'm entitled to that under the standing order.

The Chair: Okay. You could be right. So you wish this deferred until next week to discuss it during the concurrences at that point.

Mr Bob Wood: Yes.

Mr Crozier: Mr Chair, just a clarification—

Mr Preston: Bob, wait a second, you're number two after me.

Mr Crozier: The Chair hasn't recognized anybody, but I'm willing.

Mr Preston: Regarding this omission, with the type of vitriolic effluvia visited upon some people who come here by my friend across the floor, I would probably try to hide my allegiance to anybody except for his particular party, because if you're of any particular party but his, you're subjected to what I said: vitriolic effluvia. I don't think that's necessary here, even though the person has gone. I think we were saying something about respect, and you're quite right when you say that we don't call a person a liar. He may have omitted something.

The Chair: Before we get any further down this road, Mr Wood's suggestion is correct. This appointment will be deferred for seven days, which is in the orders. You're quite right, Mr Wood. We won't deal with Mr Callaghan's appointment until a week from today. I don't think it makes sense then to debate any further Mr Callaghan's appointment since we'll be dealing with it next week. So we'll put that behind us.

Mr Kormos: Mr Chairman—

The Chair: On another matter?

Mr Kormos: In response to Mr Preston, I think it was Wittgenstein who said, "Whereof one does not know, thereof one should remain silent." Mr Preston should have remained silent in this regard. Mr Preston should recall that there were any number of obvious Conservative Party members and supporters who appeared before this committee whose nomination was enthusiastically supported, not only by myself but other members of this caucus and indeed the opposition. When Paul Godfrey was here, for instance, it was trite to ask him whether he was a Tory. It was irrelevant. Clearly Mr Godfrey, along with a whole lot of other people, was an overwhelmingly competent appointment. There's no two ways about it.

There have been incredibly competent Conservatives as well as non-Conservatives who have gone through this board. At the same time, there have been some incredibly incompetent nominees before this board, and I tell you in this instance we're witnessing one and we're witnessing one who smacks of old-fashioned political patronage. No room for that in this Ontario, sir.

The Chair: And deal with that in the concurrence debate a week from today.

Mr Crozier: Mr Chair, on a point of order: You've ruled that Mr Wood can defer this for a week. Can you tell me what paragraph it was?

The Chair: If I'm reading it correctly—

Interjections.

The Chair: Order, please. There's been a request for the rule to be read.

"The committee shall determine whether or not it concurs in an intended appointment at the conclusion of the meeting"—which is now—"held to review the appointment unless any member requests that the committee defer its determination for up to seven calendar days to a future meeting of the committee. In its report, the committee shall state whether or not it concurs in the intended appointment and may state its reasons therefor."

Mr Crozier: My point is then, and I was trying to determine that we're all equal on this committee, that should any other appointee come before us—I simply wasn't aware of this—I then can simply have it deferred for a week.

The Chair: That's correct.

Mr Crozier: Good. I just wanted to clarify it.

Mr Bob Wood: I would like to move concurrence in the intended appointment of Michael Ayoub.

The Chair: It's been moved for Mr Ayoub. All in favour? Opposed? None. That's done. Confirmed.

1200

SUBCOMMITTEE REPORT

The Chair: We now should deal with the subcommittee report, the meeting which was held yesterday.

Mr Bob Wood: I would like to move adoption of the report of the subcommittee. I think in paragraph 2 the report is not perfect. I intend to move an amendment to paragraph 2.

I'd like first to move adoption of the report of the subcommittee, and I'd then like to move that paragraph 2 be amended to read, after "for concurrence," "for three appointments will be limited to 10 minutes per party total," which is I think what happened yesterday.

The Chair: Sorry, can you do that again?

Mr Bob Wood: I think how it should read, we should get rid of "will be split evenly between the parties," although that's true, and we should add "for three appointments will be limited to 10 minutes per party total," which is what I think was agreed upon yesterday at the subcommittee.

The Chair: Okay, so each party would be given 10 minutes to debate the concurrences of each intended appointee.

Mr Bob Wood: No, of all three.

The Chair: Ten minutes for all three.

Mr Bob Wood: Yes. So each party has 10 minutes to deal with all three, divided as they wish. That was my understanding of what the subcommittee agreed upon.

The Chair: I think that is correct. The total was 10 minutes, you're right.

Mr Bob Wood: Yes.

The Chair: Do we have debate on this?

Mr Kormos: This is an interesting little bit of closure in anticipation, obviously, of yet more and even more repugnant nominees for appointment to various boards, agencies and commissions. Clearly, this government has no intention of attaching any importance or meaning to this particular committee's work. Clearly as well, the government has a majority, a strong majority of membership on this board. It's interesting that they've all been whipped into shape. They're being good little campers, why the little perks—you know what's remarkable, Chair? It's that Monday the bill which basically prevented the termination of social contract recovery for MPPs' wages was passed first, second and third reading, as it should have been, but passed all in one day without any debate.

I know that all three House leaders agreed to that, but boy oh boy, Chair, you don't know how I wanted an opportunity to speak during the course of that bill, indicating that I was going to support it, no two ways about it—not that I supported the social contract, mind you. As you know, I voted against the social contract. But the fact is that MPPs don't have a collective bargaining agreement, so in that instance, in the case of MPPs, it wasn't a matter of violating the collective bargaining agreement. You don't know how I wanted to speak to that agreement.

Mr Ford: Why didn't you speak if you wanted to speak?

Mr Kormos: I would have loved to point out the window-dressing nature of it. Of course Mr Harris, the Premier, the revolutionary, was in the paper saying, "Harris government quashes 5%-plus so-called raise." Fair enough. But what we didn't get a chance to talk about was the porcine troughing that's going on in this Tory caucus among the government members.

Mr Preston: Peter, who are you trying to impress? We're all here.

Mr Kormos: It's going to take a while if I keep getting interrupted, Chair. So here we are, because what we've really got to talk about is the fact that these government members talk a big game. Here they are, they want to be seen as the proverbial Taxfighters. You saw what they did, Chair. They beat up on poor folk. They did the big cut to welfare.

Mr Preston: We can't take any more.

Mr Kormos: Here we go. Every time that interruption happens, I lose my train of thought and we feel compelled, almost, to back up and start at some point where I had been earlier. So bear with me, Chair, because this might take a little longer than it would have under other circumstances.

So here we are. The Tories want to talk a big game—right?—about fiscal conservativeness, fiscal savings, I suppose on the matter of—

Mr Leadston: On a point of order, Mr Chair: I'm not sure where the honourable member is going and I'm not sure whether he knows where he's going with his—

Interjection: Rambling.

Mr Leadston: —comments, but are we not here to deal with Mr Wood's motion in terms of the time allotment?

The Vice-Chair (Mr Tony Martin): We're dealing with the amendment that Mr Wood made to the report of the subcommittee and Mr Kormos is speaking to that.

Mr Leadston: Forgive me in my ignorance, but in terms of clarification, we're all reasonable men and women, and I think in the interests of productivity and time—and I'm sure the other members here would concur—isn't it more appropriate to stick to the issues instead of going off on a tangent? Is this normal practice for certain members?

The Vice-Chair: I would ask Mr Kormos to please speak to the amendment.

Mr Kormos: Of course, and it's specifically this closure, this gag order that I am speaking to. One has to bear with me for a couple of seconds while I flesh out, lay out the foundation of my position, the argument that I propose to make against this amendment to the report of the subcommittee dated Tuesday, March 26, 1996, the one that in paragraph 2—I'll not read paragraph 1 of it because of course paragraph 1 isn't germane to the discussion about the amendment, but the one that says in paragraph 2, "It was agreed that the time for the motions for concurrence will be split evenly between the parties," and then an amendment is moved which—because, you see, one of the problems is that the amendment clearly wasn't the result of any sort of agreement among subcommittee members.

I think the agreement among subcommittee members was accurately stated in the subcommittee report, and the fact is that now avoiding, going beyond or basically detouring around the subcommittee, Mr Bob Wood, MPP, tries to unilaterally change the consensus that might have been agreed upon by the subcommittee.

Mr Preston: The Chair said that was his recollection.

Mr Kormos: So I put to you, Chair, that we have to talk here in the context of what this type of gag order means—entirely inappropriate. Because what we're talking about is the government clearly doesn't want certain things to be spoken about. The government wants to effectively cut this committee off at the knees and turn it into nothing more than a rubber stamp, which gets back to why I said I wanted to—and again, I respected the agreement of the House leaders that there was going to be agreement that the bill proceed one, two, three on Monday, because once again obviously all of us—I believe all of us—in the New Democratic Party would have supported the bill. But, see, what we had a chance to talk about during the course of the debate about that bill was the fact that these guys, the Tories, talk a big game but they don't deliver, huh? Because these guys are troughing in a way that if the public knew, all hell would break lose.

Take a look at what's going on. Take a look. And I appreciate there are some members of each of the other two parties who have similar positions and roles, but take a look at the large number of Tory members who are, firstly, PAs. Bingo. Jackpot. There's another one, two, three, four, five-digit supplement to your base income. Chairs, bingo. Vice-Chairs, bingo. You won again, huh? Those per diems that these nasty, greedy, little people persist in taking when the committee like this and others are sitting in between House sittings where these guys are grabbing $103 a day tax-free. Bingo, bingo. It's like three lemons showing up on the VLTs that this government's going to start putting in every little corner store, tavern,

beer joint in the province of Ontario so that the poor folks of this province can line up with their nickels, dimes, quarters and finance, obviously, the perks that these guys are on to.

The real question to be asked—I want to take a look at some of the corporate credit card accounts in some of these ministries, including the Premier's offices. What's that, the hotel up there on Bloor Street West, you know, the one west of the Park Plaza? What the heck's the name of that?

1210

The Chair: The Inter-Continental.

Mr Kormos: The Inter-Continental. I'm told. Far be it from me to state this as truth, but I'm told that there are more than a few Tories who gather there on a pretty regular basis, hogging down, chowing down—

Mr Preston: Point of order: While you were out, the Chairman directed Mr Kormos to stick to the subject. He's about as far off the subject as that hotel is.

Mr Kormos: Thank you, Chair.

The Chair: We are debating the motion, just so that it's clear, of Mr Wood on the subcommittee report that would restrict the debate for each party to 10 minutes on the concurrences.

Mr Kormos: Thank you, Chair, of course—which is precisely what I'm speaking to, because obviously, a 10-minute restriction on any discussion as a result of a motion of concurrence, and as I understand it—mind you, as I say, I'm not privy to those posh breakfasts up at the Inter-Continental on Bloor Street West. That's out in sort of the Holt Renfrew district, you know—what's his name, the clothier, Dylex—no, Dylex is trying to unload. What's that fellow's name with the—

The Chair: Harry Rosen.

Mr Kormos: Harry Rosen. Harry Rosen up there. Thank you kindly. That's sort of up there in Harry Rosen turf. Those are pretty classy digs, pretty classy digs, and for taxfighters to be chowing down on taxpayer-paid credit cards really contradicts the type of image these people would want to put forward. For this government to want to talk about this committee or, quite frankly, any other of having any real relevance when it tries to impose a 10-minute limitation on discussion—once again, as I understand it, and I'm sure somebody is going to stand up on a point of something and interrupt me, and I hope they don't because, again, as I told you, Chair, I lose my train of thought when that happens. But, as I understand it, the 10-minute allotment is maximum 10 minutes for concurrence on one, two, three subject matters of a motion for concurrence. Can you believe that, Chair? Can you believe that?

Not only were the jackboots marching out there, outside of Frost and Whitney, when Harris's police were beating the hell out of lawfully and rightly acting people out there exercising their democratic right under the Charter of Rights and Freedoms and under longstanding labour relations legislation—mind you, of course, this government has little regard for labour relations legislation. Look what they did with Bill 7 and the repeal of Bill 40 and their total disregard for the rights of working people to freely and collectively bargain. I understand that, because what we are talking about is the muzzling of the community.

The reason I make reference to jackboots, of course, is because the jackboots not only were marching out there outside the Frost and Whitney blocks, but they seemed to be marching in here too, because there's more than one way to effect violence and to put democracy under attack. Violence was effected in a very brutal and physical way, and democracy was put under attack when those neo storm troopers beat up on people conducting themselves lawfully and peacefully. It was the Tories who literally stumbled—huh?—stumbled over the fallen, unconscious body of one of the victims of that violence.

The Chair: Let's get back to the motion.

Mr Kormos: Wait, because I'm talking about the violence and the attack on democracy—

Mr Preston: The motion is to prevent this verbal diarrhea.

Mr Kormos: —that's inherent in the sort of amendment, the sort of motion being put forward now by Mr Wood, because it doesn't have to be done with billy sticks, it doesn't have to be done by bloodying people up. You can also attack democracy by shutting down the voices, by imposing closure on the members of a committee.

This committee's job is incredibly important. Clearly, the government doesn't regard it as such; clearly the government sees this committee as merely something they can showcase—they're sometimes very good appointments. Let's face it, there have been some very good appointments come through here, not all of them Tories, but more than a few of them Tories, no two ways about it.

At the same time—you know what? You weren't here, Chair. This really is relevant, because this demonstrates the power and the need and the appropriateness of having an unfettered period of debate over the issue of concurrence. One of the first people these guys, the Tories, brought through this committee withdrew his application for the position after he had appeared in front of the committee. You weren't able to be here, but Mr Martin was here and this guy actually withdrew his application for the position after the committee was done with him. That meant the committee performed an important function. The committee clearly—I suppose some people maybe scared the guy off, but rightly so, in the same way that you wouldn't want skunks rooting through your garbage in your back yard for fear the dog's going to get sprayed down and you'd want to scare him off by making some loud noises on the back porch.

Again, a mere 10 minutes for three caucuses—because we're not just talking about three caucuses. Every member of this committee has and should have a right to speak to any given motion to concur with the appointment of the nomination of a person appearing in front of this committee. There's Bob Wood, MPP, there's Julia Munro, MPP, there's Gary Fox, MPP, there's Gary L. Leadston, MPP, there's Peter Preston, there's Mr Ford, MPP, and then there are two more Tory MPPs—that's one, two, three, four, five, six, seven, eight—that's eight people there. Then there are three Liberal members, Mr Crozier, Mr Bartolucci and Mr Gravelle—we're up to 11 members. Then there's Mr Martin and myself. That comes to 13 members. What that means is that among 13

members, this government purports to use its majority—and one of the most important and something these Tories have never understood from June onwards—we're talking about that 10-minute restriction on time frames, you know that, Chair, you know exactly what I'm talking about, I know you do.

The Chair: I'm trying to hang in there with you.

Mr Kormos: God bless you, Chair. Look, we've got a majority of Conservatives, that's acknowledged. There's eight of them, and only five members representing the two opposition parties. That means that at the end of the day, the Tories—because these guys are whipped, you know that. They wouldn't say merde if their mouth was full, it would be impossible for them, unless of course they were given their marching orders to say so. The fact is they're going vote the way they're told even if they were faced with the most repugnant set of circumstances. The question is, why would they want to restrict discussion on a motion for concurrence to a mere 10 minutes? Think about it: Thirteen members, all of whom not only have a right but a responsibility to indicate to this committee why they—especially in the case of non-support.

Over the course of the last several months I've oftentimes not only apologized to people appearing here but been critical of our process where people who are eminently good appointments are being compelled to be brought before this committee. The committee shouldn't be here to pat people on the back, not that there's anything wrong with patting people on the back, but because we are talking about restricting to a mere 10 minutes of time, the committee should be here to screen out inappropriate appointments. You know that was the rationale for the creation of this committee: to subject nominees to some modest scrutiny.

1220

Let's look at the relative time frames. What we've got is a nominee for appointment appearing here for a mere 30 minutes. I appreciate and I don't dispute the proposition that any time that nominee might use in making an opening address comes from the government's time for questioning, but already we have but a maximum of 10 minutes per caucus—that's a maximum, right?—to question people appearing before this committee, to make interrogatories, to make inquiries.

Look what happened already today. Wow. Mr Bartolucci obviously has staff who generate information for him—not "generate," but produce, provide, because "generate" information would imply they made it up. Look what would have happened had there been a mere 10 minutes to discuss concurrence. We would not have had the full revelation, and I suspect we've only begun to scratch the surface about perhaps the raison d'être of Mr Daniel W. Callaghan of Pembroke, Ontario, being here before the committee applying for this position on the council of the College of Midwives. We're speaking to the importance of permitting a reasonable amount of debate and discussion. Look what would have happened. If there had only been 10 minutes today, I've got a feeling there would not have been an opportunity—that means less than a minute per member, significantly less than a minute per member, to put on the record their reasons for supporting or denying support to a given nominee.

Chair, please, isn't it important that a nominee understand why any given member may or may not have supported him? Isn't that fundamental? Isn't it essential that for a person appearing here, if they haven't been approved, or indeed even if only some members of the committee have not approved their appointment, that the rationale, the reasons, be clearly put on the record? I think it is, Chair. I think this committee owes it to those persons who are appearing before the committee to make it clear why they're being supported or why they're not.

Similarly—and this is why the period of 10 minutes is far too brief, far too brief—if it's 10 minutes still to be split equally, look what we've got now: three and a third minutes, a mere three minutes and 20 seconds. In the case of the Liberal caucus, if each one of those people wants to put on the record why they held a particular position with respect to a particular nominee, that means they're restricted to a minute apiece. Until today, I haven't heard any unduly lengthy representations to this committee. I appreciate that today I'm spending more time than—I can't recall a committee meeting where I've felt compelled to address an issue as thoroughly or as lengthily. Indeed there have been times when I have, yes—because we're talking about a mere 10 minutes for the committee to address the issue of concurrence, literally three and a third minutes per caucus.

But then think about this: You've got three nominees, right? Think about this, members of the committee. This motion to amend this report of the subcommittee doesn't really mean three and a third minutes per caucus for each nominee. It means one and one ninth minute per caucus for each nominee. Figure it out: one and one ninth, right? Mr Martin knows that, Mr Crozier knows that, and the Chair knows that. It means one and one ninth minute per caucus for each nominee. Please, Chair, that is absurd, that is ridiculous, that makes a mockery of anything and everything this committee purports to do. One and one ninth minute per caucus per nominee. In the case of the Liberals, with one and one ninth minute, we're talking about less than 20 seconds per member of caucus if they want to put on record why they're not supporting a particular nominee. That is ridiculous. That's dumb. It's stupid. It's arrogant. It is an affront against the role of the committee.

Chair, you know that a Chair has a residual power, for instance, to determine that there's been sufficient debate—not to interrupt somebody who's got the floor as long as they're on the point, certainly not to do that; I know you know that, Chair. But the Chair has a residual power, once the Chair or the Speaker, for instance, understands that there's been sufficient debate, that we've gone around the circle often enough, right? That's one of the things that makes me concerned. I suppose it all depends on the Chair and on the Speaker. I know I've been disturbed by the closure motions that any number of governments have imposed, because there is a power inherent in the Speaker or the Chair to say: "No. We've clearly discussed this matter fully. Any number of people have spoken on it. The matter has been hashed out, dealt with properly. It's time to get down to the brass tacks. We're at the wire. Let's just have the vote." The Chair has the power to do that. You know that.

So we're not talking here about any member of the committee or the committee itself at risk of being, let's say, held hostage by lengthy debate. To boot, this committee can't meet while the House is sitting once the orders of the day start, so this committee has to retire at 1:30, for instance, and then I presume it will. I don't want to in any way usurp the position of the Chair—far be it from me. And I certainly wouldn't want to criticize the Chair—again far be it from me or any other member of this committee.

In terms of the amendment being made by virtue of this motion, do you know what I suspect, Chair? I'm going to tell you what I suspect. This is just a suspicion, but if somebody ain't gonna come clean—I wish these guys would come clean once in a while, say what they really think. I'm inclined to do that. But I wish they'd spit it out. You only get a chance to call a hand every so often so you can see the cards. These guys are the guys who fold rather than show their cards because as often as not they're bluffing. You know that. The emperor has no clothes. They're playing fast and loose with Scarne's—that's the gambling authority, I think—rules of order, not Robert's or Bourinot's but Scarne's rules of order.

There you go. Look what they're doing to this committee. I've got a feeling that they're increasingly embarrassed about the pathetic, miserable, unskilled, unqualified little bits of Tory flotsam they've been running through this committee by virtue of appointments to various boards, agencies and commissions. I know you haven't been able to be here, Chair. Mr Martin, I tell you, was outstanding and exemplary, and I certainly hope this caucus sees fit to pick him for a Chair's role at some point. He deserves that much. He has a family and the increased economic burden of living—but then again, so do you. You've got that increased economic burden of living in the north, which is very different and, although it provides a great lifestyle, has associated with it some economic costs that southerners simply don't have.

In any event, Chair, the motive—see, we've got to talk about the motive, the motive for wanting to restrict debate to 10 minutes. Although I appreciate that today's discussion here in the committee is lengthier than any discussion has been, so far as I'm aware, since this committee started its sittings after the last election—I wasn't on this committee last time around. I had been on other committees, you know that, and I had never witnessed a problem, I really hadn't. I had never witnessed a problem of there being anything, let's say, dilatory—I think that's the word, isn't it, dilatory?—about the conduct of any given member. I appreciate some may well perceive my comments today to be dilatory, and I want to apologize to anybody who's not going to have his full lunch, as they would have been able to otherwise. You see, they could scurry off, but then we could vote on something and they wouldn't be here and we'd pass it, we'd defeat this motion.

The Chair: Back to the motion.

1230

Mr Kormos: While we're talking about the 10-minute amendment and the motive, it's important to deal with the motive behind this motion. By the way, earlier this morning I was reading one of the press items—this goes to motive behind this motion—and somebody, one of the Tories, said the reason the police had to beat on the lawfully organized and gathered OPSEU strikers and their supporters was because if only Liberals and New Democrats got in and the Tories didn't, the Liberals and New Democrats could have passed a motion of no confidence and brought the government down—mind you, in itself an attractive proposition. Boy, would I love—

The Chair: Back to the motion.

Mr Kormos: Yes, sir, to the motion. Would I love to see us go to an election tomorrow. Man, oh, man.

The Chair: Back to the motion.

Mr Kormos: You should have heard what the cab driver said on the way over here this morning.

The Chair: The motion won't get us there. Come on.

Mr Kormos: Thank you, Chair. We're talking about this 10-minute restriction on debate. What is the motive? As I said, we've had—you could hear them barking all the way up the hall—some real dogs run through. Some very qualified people, no two ways about it—

Mr Preston: A point of order, Mr Chairman: The remarks made by the Speaker the other day regarding respect I think directly relate to the comments my friend across the table continually makes about government dogs, about government hacks, about people barking all the way down the hall. I think it's inappropriate, even in committee.

The Chair: Thank you for that.

Mr Kormos: Thank you, Chair. Yes, I recall the Speaker's ruling. Do you remember when the Speaker, the other day, ruled "asinine" out of order, Chair?

The Chair: Back to the motion.

Mr Kormos: He either misunderstood the word or he misheard it and thought somebody was saying something else.

Anyway, we've got to talk about the motive. I knew I was at that point already, but with the interruption, I've got to back up a little bit.

Wait a minute. Okay, I know where I was now, Chair. We've got to address the motive behind this motion. Here we are, we've got members of this committee all making 42 grand-plus a year, making, what, 13 or 14 grand-plus by way of tax-free stipend, and then you've got the government members making a whole lot more because of the little perks and the troughing, the literal troughing, they engage in. Why wouldn't they want to sit here for a reasonable period of time to discuss a motion for concurrence? Why not? My God, that's the business of this operation, this place, as far more erudite people than I would refer to it.

Interjection.

Mr Kormos: That comes from the ex-Clerk Lewis's book, doesn't it, "this place"? Remember ex-Clerk Lewis? You recall, of course, Clerk Lewis. I think he began the tradition of referring to this as "this place."

Why do we have this 10-minute gag rule, this 10-minute closure, on discussions relating to concurrence? I am concerned, Chair. I am very concerned.

Oh, thank goodness. That noise was very distracting. I appreciate the clerk turning off the fan. Thank you.

I am concerned, Chair, that this government isn't interested in hearing people put on the record their

reasons for voting for or against a particular nominee. Why wouldn't they be interested? Why wouldn't they want the public to know why a person who is here as a nominee, be it today in the case of Mr Yocom, who is a nominee for appointment to the police services board up in Espanola region—why wouldn't they want to know why a particular member had a position that might be expressed in three, four, five, six minutes about Mr Yocom?

By the way, I was up near Espanola this past weekend. It had been a long time since I had driven through there. It was back around 1972, the first time I had driven through, because I was working in the mines up in northern BC.

The Chair: Back to the motion.

Mr Kormos: We're speaking to the motion, and of course we're concerned about why this committee wouldn't be interested—least of all Mr Wood, because Mr Wood made the motion. Mr Wood is sort of the whip, or the whipette, the mini-whip for this caucus, I think, because of where he's seated and just because of his demeanour and style. It's he who made the motion, right? It is "he"? Yes, it's "he" who made the motion, not "him." It's not him who made it, it's he who made the motion to restrict total debate.

We're not talking about 10 minutes on a—look, you know what? I would probably not be addressing this matter if the motion had been to restrict the debate, on any given motion for a concurrence, to 10 minutes for that single motion of concurrence. I appreciate that there's got to be a point of finality, a point where you say enough is enough, where there's some closure. There's a point at which you've said all you can say in any given period of time.

Here we are. For instance, look at what would've happened today, Chair, had there been this—really, this goes beyond silly. It goes to downright dangerous, frightening in that regard. Look what would've happened today had this motion been in effect, had this rule been—you see, the other consideration is that this motion could be entirely out of order, right? Think about that, Chair, that this could be entirely out of order.

The standing orders, the rules that govern—this committee's pretty unique in that regard, isn't it, Chair? Unlike other committees, which don't have their process laid out in the—is it the standing orders or the Legislative Assembly Act? The standing orders? Yes, of course. It wouldn't be the Legislative Assembly Act. What an oversight on my part. I'm sorry, Chair. Just think, the real question could be—I'll get back to my arguments against the motion—that this motion isn't in order.

This is a very unique little committee. It ain't like resources, it ain't like general government, it's not like the regulations committee, which are simply struck, declared to be there. This is the only committee I'm aware of—well, there could be some passing references to other committees in a more general way, but look how we constantly have to go the standing orders. I'm just reflecting for the briefest of moments on whether this motion's in order, because the standing orders lay out some pretty distinct procedures. They lay out the time frames during which this committee must receive, for instance, lists of given nominees. They lay out the types of material we're required to have and, similarly, that we can't have.

This standing committee seems to have its rules laid out in a pretty full way under the standing orders. The other thing is that I'm not sure any committee has ever established closure, because that's what we're talking about here, isn't it, Chair? We're talking about closure, and the only closure I'm aware of—and you've been around here much longer than I have. You've been around here a long time, Chair, you've been around here for a millennium.

Interjection.

Mr Kormos: No, please, because we're dealing with significant stuff here. The only closure I'm ever aware of being imposed on a committee is the sort of stuff that comes out of the Legislature, right? You know that. To be fair, it happened under the—heck, I've only been here for eight years and already I'm witnessing my third government. Time sure flies when you're having fun, I suppose. It happened under all three governments. I acknowledge that. I'm not dumping on the Tory government for the mere fact of—well, no, that's not true. You'll recall I never voted for closure regardless of which government imposed it. What we're talking about here is closure, time allocation, and the only time allocation I've ever seen—I know Mr Johnson here, who's the Deputy Speaker, is familiar with these rules and processes, and he's had to rule on that sort of stuff.

1240

Mr Bert Johnson: No, I don't know anything about it.

Mr Kormos: Now Mr Johnson says he doesn't know anything about it, but he's the Deputy Speaker. Please, give me a break, Mr Johnson. You can't have it both ways. That's why you're paid the big bucks—another one of the perks. Did I mention that when I talked about the list of perks, the Deputy Speaker? I know there's one in the NDP caucus, but that's a little bit of grease, a little bit of payola, juice, that makes the system run.

The Chair: Back to the motion.

Mr Kormos: The only closure I've seen, the only time allocation that I've seen, has come from the House. We saw it, sadly—remember Bill 26? Wow. Talk about dogs. That one was rabid. That one was a pit bull. That one should have had the courtesy of being put down. Lord knows we tried, Chair, we tried.

The Chair: Back to the motion.

Mr Kormos: Quite right, Chair. I'm talking about the issue of closure. You'll recall, with respect to the matter of closure, that it was agreed that for Bill 26, we were going to come back for one day in the House—but no, before that, because I'm talking about the committee now, and the power of a committee, and questioning whether a committee has the capacity to impose that sort of closure.

Chair, you've been here a good 30, 35 years.

The Chair: What?

Mr Kormos: That's what I've been told. It may not have been quite that long, but I suspect it seems that long to you. You've been here longer than any other member of the Legislature, other than perhaps Sean Conway from up Renfrew way, and perhaps Dave Cooke. Cooke,

Laughren and Conway are certainly the three longest-serving members of the Legislature, but you've never seen a committee impose its own time allocation. You've seen the House impose time—oh, that's right, I was talking about Bill 26. We saw it with Bill 26, because as you'll recall, a whole whack of amendments were put forward on Bill 26. What the House did by way of a motion—because it is by way of a motion in the House—what the House did was dictate. We saw the tyranny of the majority.

What I'm fearful of here most, in an overriding way, because of this imposition of a 10-minute time allocation, gross, which means in the case of the Liberal caucus a mere 20 seconds for each of the Liberals—I'm defending their interests here, Chair, I suspect in a very non-partisan way and in a way that's consistent with the best traditions of the Legislature.

I'm also concerned, of course, about the Conservative Party members of this committee. I'm concerned about them being deprived of their right to address a particular—look, think about this, Chair. This just can't work, because every member of the committee certainly has the right to speak to a motion for concurrence. If, as a result of this motion, the three-person Liberal caucus has but around 22 seconds per member to speak to a given motion, there are almost three times as many Conservatives as there are Liberals, so you've got to divide that by three. We're talking about around seven seconds apiece the Conservatives would have to speak to a motion for concurrence.

Well, I'm prepared to stand up and be counted as being prepared—look, I disagree with what they say. You know that. As often as not, I disagree with their ideology, but, by God, I'll defend to my death their right to say it. I will not sit here and see these Tory members denied their right to speak on behalf of or in opposition to the nomination of a given appointee. Think about it. If we're down to that time frame, recognizing that that time frame is global for all three motions for concurrence, we're talking about less than six or seven seconds per Tory caucus member to address a particular motion.

Well, they deserve better than that. These people were elected by their constituents. They won more votes than anybody else did in their given riding. Thank goodness, you can't blame the folks in Welland-Thorold for what's happening in Ontario now, or the folks in Nickel Belt or in Sault Ste Marie. Those folks can't be held accountable for the mess Ontario's falling into or, more significantly, for the—this is an atrocious motion. It's an atrocious proposition.

I know the Chair made a gratuitous comment, but that doesn't imply a negativity, in response to Mr Wood. He said, "Oh, that's not what happened." Remember, when the report of the subcommittee—because that's what we're speaking to, a motion to amend this report of the subcommittee. When the report was tabled—I suppose that's the right word; well, at least Ms Manikel distributed it to all the members of the committee—Mr Wood went: "Oh, that's not what really happened. There was a 10-minute restriction." I don't want to put words in your mouth, but the Chair said something to the effect of, "That's the way I recall it." So it seems there was 10 minutes being discussed during the subcommittee meeting.

Now, was that 10 minutes the way Mr Wood would like us to believe? Was that 10 minutes a global 10 minutes for all three; in other words, that the aggregate time of all comments on the whole of motions for concurrence shall not be longer than 10 minutes?

The Chair: If I could just make clear, Mr Kormos, it's 10 minutes for each party on all three concurrences. It wasn't 10 minutes in total, as I recall. It was 10 minutes—and the amended motion would reflect that—for each party on all three concurrences.

Mr Kormos: All right. We've got to recalculate some of these numbers, then, for the sake of the argument.

Look where we're at. We've got 10 minutes for each caucus. Fair enough. If we've got 10 minutes for each caucus, we're talking about a maximum of 30 minutes of debate on concurrence, or, if you want to look at it this way, we're talking about a maximum of 10 minutes for a debate on each motion for concurrence, right? I appreciate your direction, because you shed new light on this. I'm not sure we're not even worse off in view of your interpretation, because I heard Mr Wood's head go up and down—I was watching him—and this has been helpful. Look, with this 10 minutes, now we're down to a maximum, gross, of 30 minutes for all debate or all discussion. Let's talk about it as discussion. This isn't debate, it's discussion. This committee has a far less partisan tone to it than most committees, because this committee really is more interested in the competence and suitability of a given appointee. Look, we don't take cheap political shots here. No, that's not what this committee is all about. There are other places to fight those partisan wars, not here.

1250

Okay, now that we've been clarified, we'd better make this perfectly clear, because all of us are going to have to vote on this, and I suspect there may well be other people who want to debate this matter as well. We've got an aggregate of 30 minutes. What that means is that a caucus has 10 minutes. Is that fair? If the NDP caucus has 10 minutes and there are only two of us, that's five minutes each, if we were to divide it equally, right? But look, is this fair to the Liberal caucus? They've got three members, and 10 times 60 is 600 seconds, so that's 200 seconds per member. Yet in the NDP caucus, it's 300 seconds per member, literally five minutes apiece.

I know this seems peculiar, but once again I come to the defence of, advocate for my colleagues in the Conservative caucus. There are eight of them, right? Divide that into 600 seconds; that's 75 seconds a member. Is that fair? I say no. I say my colleagues in the Conservative caucus, members of this committee, all of them picking up their little $103 a day, tax-free, for doing their jobs by virtue of sitting on the committee when the House isn't sitting—boy oh boy, they line up, because that $103 a day, tax-free, sure comes in pretty slick.

These are the guys who want to talk about making sure all income is fairly taxed. I wonder if they tell their constituents what their greedy little fingers have plucked

out of the public treasury by virtue of those per diems, $103 a day, tax-free. Lord love a duck. No wonder that consultant's report was able to gross up the average MPP's salary to the tune of—what?—$70,000, $80,000, $90,000. Little piggies at the trough, as this government is.

First of all, is it fair that it be done on a basis where—somebody said all of us are equal. Somebody said that very specifically before we began this particular discussion. Well, obviously we're not. Mr Bob Wood is trying to skewer his own colleagues, and they don't know it. They're being manhandled and mangled in the course of what's happening, yet I suspect they're prepared to nod their little heads and raise their little hands in unison when called upon to vote. They may not even know what they're voting for, because what they're voting to do is to restrict their ability to speak in gross, in toto—they're prepared to submit to an in toto time restraint on discussion about concurrence.

Look what happens. Let me speak again from the Conservatives' point of view. Mr Bartolucci today, in the case of Mr Callaghan—notwithstanding that Mr Callaghan's lips were zipped when it came to making any mention of his eagerness to support his community by virtue of being a Tory candidate in June. Far be it for me to suggest that that's why he would've been plucked out of this huge cauldron of letters of application for various positions. So here it was. Mr Bartolucci made the claim that Callaghan was a Tory candidate in June 1995. Ahah. I believe Mr Bartolucci. But look what happens. Mr Callaghan was the second person—I'm putting this in the context of what 10-minute time restraints mean—to be discussed.

If we had spent a considerable amount of time, for whatever reason, on the first applicant—in today's case, we didn't. Mr Yocom was a darned good appointment, and it was nice to meet Mr Yocom. I know he's a friend of Mr Martin's, although I don't think they belong to the same political party, but they're colleagues. Mr Martin referred to him as a mentor. It was kind of neat to see Mr Yocom here because, as I say, I was up in that area on the weekend. The first time in Espanola was in 1972 when I was driving to work in the mines up in northern BC, in the copper mines—

The Chair: The motion?

Mr Kormos: Quite right. I'm speaking about Mr Yocom, because we're using him to illustrate and using today's experience. But the copper mines in northern BC were something else too, Chair. I know you're familiar with mining. I was just a kid, but man, it really was a brave new world for me. I worked my buns off, but I had the time of my life and got to know a whole lot about mining while I was up there.

Had we spent even a modest amount of time talking about Mr Yocom today, you'd use up a considerable chunk of the time talking about Mr Yocom. Then we move on to Mr Callaghan.

Howdy. We're joined by a new member from somewhere in the Tory caucus.

Mr Ayoub was not only non-contentious, because "non-contentious" implies reasonably neutral, neither here nor there. What's the phrase? Ça m'est égal, oui? "It's all the same to me." "Non-contentious" implies that, but Mr Ayoub was—

Interjection.

Mr Kormos: I'm trying to use today's experience to illustrate what this motion by Mr Wood would do and do to us and how it would detract from the capacity of the committee to indeed perform its role.

Mr Ayoub, as it was, at the end of the day was not only non-contentious; he was an exceptional nominee by the Conservative government. I say an exceptional nominee. Look what would have happened. We're talking about what would have happened had this silly amendment by Mr Wood taken place. We would have exhausted a considerable chunk of time—Mr Leadston knows this—discussing Mr Yocom, as was appropriate, entirely appropriate. Then we'd have Mr Bartolucci with this shocking revelation, Mr Bartolucci with a shocking revelation about the fact that Mr Callaghan, notwithstanding a résumé and notwithstanding some pretty thorough questioning—let's put this in the context of what 10 minutes means.

Look at some of the questions that were asked of Mr Daniel W. Callaghan by both the Liberal members and by people in our caucus here, the New Democrats. We had made repeated requests and inquiries about: "Exactly what is it that brings you here before this committee? Is it an accident that it was only after the Tories got elected to government that you make application to be on some sort of board, agency or commission? You purport this profound interest in midwifery." By God, it was getting a little tough to cut to the quick. One was increasingly concerned, I suspect. But then here is the revelation by Rick Bartolucci, MPP.

I was up in his riding too, by the way, up in Sudbury, this weekend past. The weather in Sudbury was exceptional. In Sault Ste Marie—driving from Sudbury to the Sault, all of a sudden, snow pellets and the works. Rick Bartolucci prompted me to think about that. The roads were really getting greasy and slippery, and I didn't have my truck. I had a rental car, a front-wheel drive, which I cannot tolerate. I'm just simply not tuned in. I don't believe they're anywhere near as safe in most driving circumstances as a rear-wheel drive, especially a pickup truck.

In any event, Mr Bartolucci makes this revelation: "You, Daniel W. Callaghan, are here under false pretences. You have not revealed your true history, your full history." I know the Chair spoke of it. I suggested that Mr Callaghan had lied to the committee. The Chair, in a most generous way, speaks of Mr Callaghan as merely having committed a sin of omission. In any event, at the end of the day, a very important part of Mr Callaghan's biography was omitted from the record. Was it a typographical error? I don't think so. I doubt that very much. Was it a mere oversight on the part of Mr Callaghan? Once again, I don't think so. One's left with the irresistible conclusion, one feels compelled to draw the irresistible inference that it wasn't a mere—for instance, remember he told us he was doing Heart and Stroke Foundation work? He didn't put that on here, but he felt comfortable revealing that, as he should. Why not?

1300

Mr Bob Wood: Mr Chair, I'd like to raise a point of order: The resolution of the House provides for this committee to meet between 10 am and 12 noon. I've granted the member the indulgence of one hour. If he wants to complete his remarks in a couple of minutes, I'll continue with that indulgence. If he doesn't, I'll ask that the committee be adjourned pursuant to the resolution of the House. It's up to him.

The Chair: Just so we all have the same understanding about this, the committee can sit until 12 but can sit beyond that if the clock is ignored by members of the committee, as I understand the rules. If it's raised that it's gone beyond and we should now adjourn, the debate takes up again a week from today. Mr Wood has suggested that if Mr Kormos wants to wind up, we get on with it; that if he doesn't, we should adjourn and come back next week with the debate.

That raises a second question, if I could presume that Mr Kormos doesn't agree to that, because he's shaking his head, and that's his right. If that's the case, this report will not be passed which calls three more people before the committee next week. Therefore, I'm very uneasy about calling people in next week, and I'd seek the guidance of the members of the committee on this. If we call these people in next week and the debate goes on for a substantial amount of time next week, what are we doing to those people we've called in here, I know one of whom is from Sudbury, for example? We need to think about that, how you do that.

Another possibility would be to refer this motion, the amended part, back to the subcommittee to talk through, but that doesn't really resolve the problem of next week with the full committee hearing. That's what we need to think about before, if we are going to adjourn now.

Mr Bob Wood: I might say, sir, it's really up to Mr Kormos. A motion is before the committee, and if he'd like to wrap up his discussion within two minutes, I will not pursue my point of order.

The Chair: No. I think he said he has no intention of doing that.

On the point of order, Mr Martin?

Mr Martin: I would move that we defer discussion on this amendment back to the subcommittee so we could discuss it further and have a look at the implications. I also have some concern about the changing of the wording that's here—mind you, not as severe as Mr Kormos's. In the spirit of the discussion of the subcommittee, I thought what was here covered it, but I would like to have that further discussion perhaps at the subcommittee level as opposed to continuing the debate today.

The Chair: But the problem with that is that this debate should be first up at the next meeting of this committee, which wouldn't resolve the problem. We'd have the people invited here next week and they could be here for some time.

Mr Leadston: Mr Chair, if people have been notified and been invited to the next meeting—

The Chair: Not yet.

Mr Leadston: Well, I think it would be quite appropriate to follow through with the invitations, invite them here, and in fact, in order to give them a perspective of what is occurring, give them the minutes of Hansard. It would clearly demonstrate to them the democratic process that I'm sure the member is trying to portray in this standing committee. It would clearly demonstrate to them the conduct of the honourable member at this committee.

The Chair: I also, as a Chair, am reluctant to presume what's going to happen next week at the committee. I think it's not fair on my part to make that presumption. We can go ahead and simply adjourn the committee now. We have to deal with Mr Martin's motion to refer this matter back to the subcommittee.

Interjection.

Mr Bob Wood: I would share Mr Kormos's view that that's out of order. There's a motion before the committee.

The Chair: That's true. Let's simply adjourn, and next week we'll deal with the debate on this particular amendment at the beginning of the committee. So we're all clear, we'll go ahead and send the invitations to the three people who are to appear before the committee next Wednesday.

Mr Preston: And I would bet there is going to be a lineup of newspapers out there, because this honourable member will make sure of that.

Mr Crozier: Mr Chair, I would just like to be on the record that I think it's irresponsible of us to invite anybody to appear before the committee next week not knowing whether we will in fact be able to hear them. I want to be on record as disagreeing with that.

The Chair: It's awkward, but at the same time, certainly I as a Chair can't presume anything about the debate next Wednesday. I understand your concern, but I think we should go ahead and in the regular way, and next week we'll deal with this issue first, which Mr Kormos is dealing with, and he'll be first up next week, and then get on with the rest of the committee work. Is that in agreement? Okay. Thank you very much. We are adjourned.

The committee adjourned at 1306.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Newman, Dan (Scarborough Centre / -Centre PC)
*Preston, Peter L. (Brant-Haldimand PC)
*Ross, Lillian (Hamilton West / -Ouest PC)
*Wood, Bob (London South / -Sud PC)

**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Munro, Julia (Durham-York PC) for Mr Newman

Also taking part / Autre participants et participantes:
Stockwell, Chris (Etobicoke West / -Ouest PC)

Clerk / Greffière: Tannis Manikel

Staff / Personnel: David Pond, research officer, Legislative Research Service

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Wednesday 3 April 1996

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Mercredi 3 avril 1996

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University of Toronto

Standing committee on government agencies

Subcommittee report

Comité permanent des organismes gouvernementaux

Rapport du sous-comité

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 3 April 1996

Mercredi 3 avril 1996

The committee met at 1002 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr Floyd Laughren): The committee will come to order. As members know, we were in a debate last week on a motion by Mr Wood which came from the subcommittee report to the full committee. We got into a debate that went on for some time and now carries over to today to be dealt with as the first order of business.

I can't speak for other members, but I have to leave at 12. Someone else can take the chair if the committee decides it wishes to sit beyond 12 today. I don't think that should cause a problem.

Let us proceed and get on with the business of what had already begun last week when Mr Kormos had the floor dealing with the motion. The motion has been distributed, just to remind you in case you forgot what it was all about. Mr Kormos, you have the floor.

Mr Bob Wood (London South): Mr Chair, a point of order, prior to Mr Kormos continuing his submissions: I would note that all three parties have agreed to this report, and the costs of the people here today will add up to about $1,000. I hope we can call on you to use your good offices to encourage members to be as brief as possible. They obviously have a right to speak. We're not inviting you to do anything other than use your good offices to encourage members to be as brief as possible so we don't throw away the $1,000 that's been spent having these people here today.

The Chair: I always appreciate wise counsel.

Mr Bob Wood: I hope it falls in that category.

The Chair: Thank you. Mr Kormos, the floor is yours.

Mr Peter Kormos (Welland-Thorold): Thank you, Chair. Indeed I paid heed to the purported point of order by Mr Wood, and I would, in the context of this debate over the motion of Mr Wood, ask people to reflect on the fact that matters could proceed promptly were that motion withdrawn, as I believe Mr Wood has the power to do within the rules of procedure and certainly within the rules of the committee.

The Chair will recall that I responded with great concern about the very nature of this motion because I regarded it as being one that seriously curtailed—in fact, aborted or usurped—the function of this committee. This committee clearly has more than a perfunctory role.

It's interesting, again no denigration intended, that the only people currently at this committee who were here when this committee was created are you and myself.

I recall the debate, the discussion, that preceded and accompanied the creation of this committee. The last government had a strong concern about there being a public review. I'm not saying that's a good thing, because certainly the amendments to the standing orders that were created by the last government warrant some criticism and perhaps fine-tuning. The model here may have been in part the American model for review of appointments. Obviously, the American model doesn't have a review process for all appointments, but identifies appointments, and that is to say the bodies to which appointments are being made. It identifies which ones will be subject to scrutiny. Clearly, as we're aware from some rather notorious reviews in the Senate in particular, those hearings have consisted of some pretty full and thorough and rigorous investigation of an intended appointee.

I appreciate that this committee is in itself, by its very structure—and I'm going to be referring to the standing orders, of course, in due course during my comments. But we note that this committee has a very restricted role as it is, from its very genesis, when one takes a look at the standing orders, because it has a particular time frame in which it can meet. That time frame is of course determined by motion of the House at the onset of a Parliament, as it was in this instance. I want to thank Ms Manikel, the clerk, for yesterday's response to my queries about the very nature of that motion, and that motion defines the time frames within which the committee can sit.

Obviously, the fact that this committee only meets once a week and only, in effect, for two hours a week means one can only interview, by virtue of the standing orders—and it is an interview—an intended appointee, a nominee, if you will, for a gross time, an aggregate time, of 30 minutes. Of course, that's split equally between the three caucuses. That means the committee again has a far more limited role in terms of inquiry, inquisition, as some might term it, and I appreciate some of the interviews have been more inquisitorial than others, for good reason. But that means there's very limited time at the end of the day, 10 minutes per caucus, to participate in interrogation, questioning, interviewing, of an intended appointee.

You also know, Chair, that a whole lot of good appointments have been referred to this committee, and for the life of me—you've heard my comments in this regard so many times—I can't understand why they would be brought here. In fact, here's Mr Rossetti coming here today to be interviewed, and I appreciate it was the official opposition party that called him.

You see, that's part of the problem and this is why the 10-minute restriction on debate over concurrence is simply unconscionable. The problem is that the committee and the respective caucuses rotate in terms of selecting people to come before it. When they're called upon to submit the names, they don't have a CV, a curriculum vitae or a résumé. They have no background information

about the intended appointee. They have to look at the name and say, "Are we concerned about that person?"

This is why the 10-minute time frame is totally unacceptable. I don't want to speak for the members on this committee, the members from the official opposition, but I've got a feeling that had they had access to the résumé we now have, they would not have called Mr Rossetti to appear before this committee. This caucus, the New Democrats, certainly wouldn't have.

1010

This is what the government members don't understand and why their 10-minute closure, which is what this is, a closure, a time allocation, simply doesn't cut it. They don't understand that we understand patronage. There's no issue with that.

I don't care and I wouldn't be at all interested in asking Mr Rossetti what his political interests were. The fact is he appears to be an eminently qualified appointment to the Gaming Control Commission. When I note some of the people present here today, and I presume they're here in a benign position with respect to this intended appointment, that confirms my confidence in this particular appointment.

Look at the incredibly restricted time we already have. We have 30 minutes per nominee, and because the committee is denied this information—you see, rather than trying to impose this restraint, this serious restriction on debate on concurrence of 10 minutes, maybe Mr Wood should be addressing the process, addressing the fact that if there is indeed more information provided, for instance, as in the case of the mere résumé of Mr Rossetti, heck, we could get things done a whole lot more smoothly and the committee wouldn't become preoccupied.

You know what happens, Chair, I know you do. Because of the 30-minute time frame for interviews, when you've got a candidate here like Mr Rossetti, members of respective caucuses feel compelled to basically pad their questioning. I know the feeling. It's like being fourth in line in any series of questioning. There may well be nothing left to ask, so you fluff 'er up. You ask how the kids are or how the drive down was. How's the weather up north of Toronto, up in Woodbridge? Again, that's irrelevant to the committee's ultimate goal.

I hope Mr Wood might consider—as I understand the rules, the procedure, the process, the tradition, Mr Wood can interrupt me on a point of order and a point of order only, but I believe it would be a point of order for him to interrupt me to withdraw his motion. I wouldn't debate that. I would applaud Mr Wood for adopting a sagacious position. The sagacity that would be inherent in that would be in distinct contrast to the ill conception of the motion that restricts debate on concurrence to 10 minutes.

It's not just 10 minutes, because it's 10 minutes for all three concurrences. Not wanting to prejudge Mr Rossetti by any stretch of the imagination, I merely use him for an illustration, because here he is, sitting here. He shouldn't have been called. He's not the sort of person this committee should be interested in questioning or screening out.

Daniel Callaghan is exactly why we have this committee. I have to draw the irresistible conclusion that it was some of the concerns expressed about Mr Callaghan, along with more than a few people prior to that, which motivated—do you remember, Chair, that the very first nominee who appeared before this committee walked out of this committee room and withdrew his application for the appointment? The committee did its job, and had there been a mere 10-minute time period allowed for debate, it might not have been successful in screening out a totally inappropriate candidate.

It seems to me that the nomination of Daniel Callaghan for appointment to the council of the College of Midwives of Ontario, the debate that flowed from that and the fact that it wasn't during the very restrictive period of questioning that we found out that not only was Mr Callaghan an unemployed car salesperson, but that he was a defeated Tory candidate in the June 1995 election—I appreciate he ran against Sean Conway. I don't think any of us would want to run against Sean Conway, especially if it was in his riding, but here he was for appointment to the council of the College of Midwives.

You heard, you recognize and you understand how valuable, how significant and important and relevant it was for there to have been some relaxed time frames in which to discuss the motion for concurrence of Mr Callaghan, because the questions to Mr Callaghan weren't the sort of fluff questions members are compelled to put forward when they have a responsible, perfectly appropriate nominee like Mr Rossetti. The questions put to Mr Callaghan were pretty pointed and indeed tried to flesh out some real gaps in that résumé. There was an effort to determine why Mr Callaghan would want to be appointed to the council of the College of Midwives of Ontario.

Notwithstanding some pretty probing questions about Mr Callaghan's involvement in the community, we were trying to help flesh out his résumé to help him articulate why he would be a good appointment. We take at face value the government's choices in this regard. I think all of us do. None of us would suspect this government of purposeful pork-barrelling. I suppose I've stretched it a little bit. I hope I don't wander into that same sort of hyperbole during the course of my comments on this motion restricting the time frame to 10 minutes.

Here's Mr Callaghan for appointment to a very sensitive position in a brand-new regulatory body; brand-new, 1991. It was women who fought the battle for midwifery to be recognized as a profession to be regulated here in Ontario, joined by men who were sensitive to their concerns, no two ways about it, but the leadership was by women and it was a hard-fought struggle. You'd better believe it was a hard-fought struggle, because the women who fought for recognition of midwifery as a regulated profession took on some biases, some strong, inbred biases, took on the medical profession.

You know that tension still exists between the medical profession and their interest in assisting women during the birthing process, delivering babies; I think that's the language. The medical profession does not appear to be overwhelmingly supportive. That's not to say there aren't doctors who don't recognize that. There are a whole lot of doctors who recognize the value of midwifery. This hard-fought struggle is finally successful after literally decades and we see the creation of the council of the College of Midwives of Ontario and then we are witnesses to the nomination of one Daniel Callaghan.

This is why the 10-minute time frame is so totally unacceptable and unfair, not just to the opposition members but to the Conservative members, because if there hadn't been the somewhat liberal—that's small-l liberal—time frame for debate on that, we never would have discovered what Mr Callaghan had—he did rope-a-dope with the committee. He weaved and bobbed and ducked and swayed, and we simply couldn't get him to acknowledge one of his contributions to the community. We had prevailed upon him, "Please tell us about your work in the community," because he came to us saying, "Look, I want to give something back."

1020

Maybe the election of June 1995 was so insignificant to him that it was the sort of thing he would forget, but a whole lot of us are never going to forget the election of June 1995. He neglected to tell us that he had been a Tory candidate. Why do you think he offered himself up? Think about this. Even the Tory members, even the Conservative caucus members of this committee probably weren't aware that Mr Callaghan was a defeated Tory candidate in June 1995. He came out of nowhere.

Not all the caucus members have been Conservative; some have been Reform Party members, so they wouldn't necessarily have interacted socially, politically with Conservatives, because we never got around to whether or not Mr Callaghan was a Reform Party candidate in the 1993 election. We know there was only one Reformer elected in Ontario in 1993. There was a whole whack of Reformers elected in Ontario in June 1995.

My opposition to this motion is an argument not just in support of the rights and, more importantly, responsibilities of the members of the two opposition caucuses, but it's also in the interests of the members of the Conservative caucus, of the government caucus. They never would have known that Mr Callaghan was a defeated Tory candidate had there only been 10 minutes allowed for debate on concurrence with respect to his appointment. You wouldn't believe the shocking revelations that have been generated as a result of Mr Wood's motion following his motion for deferral—no, that's not a motion, Chair; a deferral is as of right. Any member of the committee can speak to a nominee and literally direct—the Chair has no discretion in this regard, as I understand the standing orders—that a motion for concurrence of a particular nominee be deferred.

In the interim, the midwifery movement, the midwifery community in the province, having learned of the nomination of Daniel Callaghan to the council of the College of Midwives of Ontario, has joined in concern about the 10-minute time allocation for debate on concurrence. They point out that there appears to have been literally no consultation with the midwifery community in the selection of a candidate for appointment to this position.

Some of them have reviewed the Hansard report of last Wednesday. I've received comments like this from leaders in the midwifery movement, because these are the people who are responding to this motion for the 10-minute time allocation. Some of the leaders in the midwifery movement, who have a strong interest in this college because that's their regulatory body, point out, having read the Hansard report of last Wednesday's meeting—they're obviously not concerned with Mr Ayoub. Remember Mr Ayoub? A good person, a darned good appointment and one all of us were proud to accept. As a matter of fact, there was no debate on the motion for concurrence of Mr Ayoub; similarly with Mr Yocom, a colleague of Mr Martin's, again a person who—look at his background. There was no need.

The government members could well respond when they participate in this debate—I'm sure they'll want to participate; I'm sure every member of this committee will want to participate in the debate on this motion. One is required to anticipate; I have to anticipate some of the arguments that are going to be made contra to my position. I have to anticipate these, because what happens when I yield the floor so other members can engage in the debate and I'm expecting that I would have the chance to respond? What if I'm short-circuited? What if I'm bushwhacked—you know what I'm talking about—and somebody puts the question while they have the floor? I would in all likelihood never have a chance to respond, to present a rebuttal to the arguments presented in support of this. I'm compelled to anticipate the arguments contra to mine, the arguments in support of this nasty little motion, this nasty little attack on democracy. That's what it is, Chair.

Let me refer you to Erskine May for just a minute, because I was taking a look at it. I'm referring to Erskine May's Parliamentary Practice, 21st edition, published by Butterworths—you know that—in 1989, specifically to page 601, within chapter 24, which speaks to the system of committees. As you know, Erskine May, although British in its origin, makes reference to precedents throughout the Commonwealth, to parliamentary systems throughout the world. At this point I don't want to dwell on the origins of our parliamentary system and how important they are to our day-to-day lives, but it's important that I make reference to chapter 24, "The System of Committees."

I recall that I started reading Erskine May cover to cover. It was like beginning at Genesis. It was the night that our colleague from the Liberal caucus, Mr Curling, was compelled, forced to remain in his seat in the Legislative Assembly because the government simply refused to accommodate the public of Ontario with public hearings. I've got to confess that I didn't finish it because, as you know, it's pretty wordy, but I have from time to time referred to various sections of it. I would ask the government members to take heed. I'm not going to quote at length from Erskine May, but there are certain brief passages that are very relevant, I submit, to the consideration of this motion on the floor now.

"The System of Committees," that's what we're talking about right here, because we're a committee. I'm going to make reference to the standing orders because we are unique in many respects from the other standing committees, we really are. I think it's important. I'm referring to page 572, and if I'm going too quickly I'm sure Hansard will give me the nod and I'll slow down so as to accommodate them. Erskine May, chapter 24:

"In both Houses of Parliament the practice of delegating to small bodies of members, regarded as representing the House itself,"—this is important—"the consideration of detailed or technical questions, is as old as any part of

their settled procedure." We're not talking about something created yesterday. The committee process is an historic one.

Back to the reference in Erskine May. "In the course of time the various functions of these bodies were differentiated into a few fixed types; and a standard of size appropriate to each of these functions was also arrived at by experiment."

This is a relevant observation here. "While for certain functions of a quasi-judicial character four or five members were deemed sufficient, at the other end of the scale for matters of general interest the notion of a committee was extended to include the whole House," the committee of the whole House. I know Ms Manikel has sat in on a number of those.

1030

Did you see the disclosure of salaries? I saw our Clerk's, again not undeserved, but I'm betting money on Ms Manikel succeeding M. DesRosiers in due course. She has the qualities, she's got the background, she's got the temperament, she's got the patience, she has the intellect. Over the course of—how long? I've been here eight and a half years, Chair. I have nothing but positive things, and I say this in all sincerity. Of course we're not dealing here with committee of the whole House. We're dealing here with the size appropriate to each of these functions, arrived at by experiment.

Now I carry on. I should just acknowledge my understanding. During the course of this debate on this very important, very serious motion by Mr Wood, which restricts the time during which debate can be held regarding the nomination or the concurrence with the nomination of a particular appointee—my understanding is that Mr Rossetti, for instance, by virtue of being here today, and even if he weren't here today—I don't know whether we're going to get to an interview of Mr Rossetti, not that it would be particularly relevant; take a look at his résumé. But that's okay, because my understanding—and I'm going to reflect on these as they're distinct from the case of Mr Callaghan—is that Mr Rossetti then will be deemed to have been reported back and Mr Rossetti is going to get his appointment. There's no two ways about that, and I'm pleased with that.

I'm confident that Mr Martin, my colleague, who's making notes of what I'm saying, writing furiously—am I going too fast for you? He's making notes of what I'm saying, which pleases me no end. He is that studious type of person who follows procedure and makes copious notes. I've seen him in the Legislature doing it, and he's doing it right now, making the reference to Erskine May—that was chapter 24, Mr Martin—in case he has to avail himself of the same references.

Mr Tony Martin (Sault Ste Marie): What page?

Mr Kormos: Page 572. Mr Rossetti's going to be appointed, and I have no concerns about that. Mind you, when they participate in this debate, the Liberal members can indicate whether they—I think they'd be jumping up and down right now if they thought that I in any way was obstructing their interests in interviewing Mr Rossetti. Boy, they'd be bouncing off the walls.

I don't see them bouncing off the walls, nor do I hear them bouncing off the walls, so I suspect they're quite pleased with the fact that Mr Rossetti is going to be automatically appointed. As it is, he came down from Woodbridge. He's downtown now, could drop in. Don't go to the Bay. We're boycotting the Bay. You know that? Chair, please. The Ontario Federation of Labour, Chair—please. Okay. No more. We'll leave it at that.

In any event, Mr Rossetti is going to get appointed. I digress for a moment because it's essential to the discussion of this motion that we understand the fundamentals of the committee role. I digress by referring to Mr Rossetti's automatic appointment. But I'm going to submit to you later that we can't for a minute presume that Mr Callaghan's got an automatic appointment, and I'm going to refer to the standing orders.

You see, some of the Conservative members on this committee—let's put it this way: If it gets to a vote, the opposition doesn't have a snowball's chance in Hades anyway, does it? There are only five members of the opposition, which has voiced serious concerns, which have been sustained by and corroborated, supported by the midwifery movement. I started to tell you here, they pointed out in their correspondence to me, after having read the transcript, that Mr Callaghan demonstrates no knowledge of important philosophical distinctions that separate midwifery from the medical model of obstetrics. Wasn't that what we were saying? And would we have been able to say that were we restricted to a mere 10 minutes? I think not.

Leadership in the midwifery community points out, after having read the Hansard transcript of last week's proceedings, the interview of Mr Callaghan, that Mr Callaghan has no history of interest in midwifery. That's what we were saying in what I submit was a very responsible way. Leadership in the midwifery community, having read the transcript, having read the Hansard of the proceedings of last week's interview of Mr Callaghan, points out that Mr Callaghan has no clear statement of interest or intent regarding what he has to bring to an appointment to the council of the College of Midwives of Ontario in his opening statement. That's what we were trying to point out, though I know I've raised the hackles of government members, but we're not alone. Had there been only 10 minutes for debate on all three concurrence motions, would we have been able to point this out?

Leadership in the midwifery community, having read the transcript, the Hansard report of the interview of Mr Callaghan of last week, concludes that there is no indication that he has any background, any background, any—underscore please, Hansard, bold type, italics, underscored—any background that is relevant to the work of the council of the College of Midwives of Ontario. That's what we were saying, Chair, that's what we were saying. Would we have been able to say that had there been a mere 10 minutes available for debate on concurrence?

Leadership, Chair, from the midwifery community here in the province of Ontario, having read the transcript, having read the Hansard report of the interview of Mr Callaghan of last week—it was March 27, 1996—concludes that he shows no clear understanding of the scope of the practice of midwives. Interesting. You, of course, Chair—and I know committee members—the French-language equivalent of "midwife" is "sage-femme." Inter-

esting, far more appropriate in terms of the profound role of midwifery in birthing and in assisting in the development of a gestation. "Sage-femme" says far more, doesn't it, than mere "midwife"?

Maybe that's one of the terms we should incorporate into our language with its diverse roots, and instead of speaking of midwives, speak of les sages-femmes, which, as I say, speaks volumes. In any event, once again, had there been merely 10 minutes in which to discuss and debate, as we're obliged to do—we're paid reasonably big bucks for being here, Chair. Not as much as some people would like, not as much as some people made before they entered politics, but we're paid a heck of a lot more than most working people, if indeed they are working, in this province make.

Leadership in the midwifery community in Ontario points out, having read the—and they did. Look, there's no secret, I'm not telling stories out of school. I distributed copies of the transcript to the midwifery community. Would you have expected me not to? There was a small Canadian Press article in various newspapers across the province which made reference to the objections of both the Liberals and the New Democrats to the appointment. It was in the Sault Star, among others.

It made reference to that and people reacted. It was unbelievable. Over the course of the last week Mr Bartolucci was quoted—and far be it for me to expect to be quoted in the press, but by gosh, they had some passing reference to some of the things I had to say about—I was embarrassed, I didn't want the focus to be on me, but there were Mr Bartolucci and myself making reference to this entirely inappropriate appointment.

1040

The problem is, would we have been able to fully comprehend how dangerous this appointment was had we been restricted to a mere 10 minutes? If Mr Wood's motion is successful, is he seriously handicapping the role of this committee? I think so. Is he undermining the function of this committee? I think so too.

The comments I got all weekend from a variety of people, and I know Mr Bartolucci did, anybody who read the article simply in response shook their head, saying: "What the heck is going on? What are those guys up to? This is nuts, this is wacko." Again, I could make a reference to what leadership in the midwifery community has been saying. Now I'm referring to what folks—men, women, young people, old people—are saying. They're saying, "No, this isn't the sort of thing we expect," and they're saying something else too, Chair. They're saying, "We expect"—notwithstanding that this committee is very much slanted, weighted; I suppose if you use nautical terms, there's a list to the government side—notwithstanding that, the committee expects us to be picking out the bad appointments.

By virtue of this motion not having been passed during the course of the March 27, 1996, debate over the motion for concurrence, by virtue of that we were able to isolate—I referred to them disparagingly as dogs, right? There are some dog nominees who come in here. But then I reflected coarsely—I appreciate coarsely—on the fact that during the course of the last election, the Tories could have run a dog and it would have been elected.

This one wasn't a dog, this one was subcanine, and here it shows up in front of the committee. But people were shocked and insistent that this committee has that important function, to bring to the attention of the committee, to focus on the—these are not just bad, they're negligent appointments. They're not just bad appointments, they're negligent.

The council of the College of Midwives has an important role to play. The midwifery community relies on it for direction, for guidance, for supervision, for discipline as well of inappropriate conduct on the part of midwives, and I'm fearful for the future of midwifery. The midwifery community has established incredibly high standards. I'm fearful as well for the women who will avail themselves of midwives, les sages-femmes, when midwifery isn't competently regulated.

Mr Callaghan demonstrates nothing that would permit any reasonable or fairminded person to conclude that he can contribute to competence by the college. As I indicated to you during the course of my comments on Wednesday, March 27, there could well be other appointments that Mr Callaghan would be suitable for. Would it still be pork-barrelling? Of course. That's not the point.

But had we been restricted to a mere 10 minutes, we wouldn't have been able not only to reveal Mr Callaghan to be an entirely inappropriate candidate for this appointment, but, not having been restricted by so artificial and egregious a time allocation, we might have helped draw out some of Mr Callaghan's qualities that demonstrated suitability for other positions. Think about it.

Think about the possibility of the Ministry of Consumer and Commercial Relations, the possibility of appointment to any of the regulatory bodies that deal with regulating auto salespeople. This gentleman worked at one, two, three different small-town trust companies. We never really got quite into the fact—he indicated that he was moved around, sure he moved around, but it was a different trust company each time. But that goes to a different issue; that goes to the fact that there's only 30 minutes aggregate, gross, shared equally by three committees in which to interview a person.

Mr Wood's motion is so ill-conceived and so dangerous because it wouldn't have permitted us to identify, as I say, Mr Callaghan as inappropriate for this appointment and at the same time, in all fairness to the government members and to Mr Callaghan, perhaps draw out some qualities that would have made him appropriate for any other number of appointments.

In response to the debate over concurrence with Mr Callaghan—and I'm convinced that this motion is simply designed to save the government from the embarrassment of their being focused on bad appointments, like Mr Callaghan, because this government knows that in the case of Mr Rossetti there wouldn't be any debate, none with regard to a motion for concurrence, that there'd be a voice vote, there wouldn't even be a call for a recorded vote. Thankfully, this motion hadn't passed yet, this motion hadn't even been put forward.

I should also reflect on the fact, in the course of this debate over the 10-minute time allocation, that's forever. We're not talking about a time allocation that's restricted to one issue, one appointee; we're not dealing with this

on a one-by-one basis. We're talking about forever and ever. That is a very dangerous precedent to establish.

I'm going to speak at some point down the road about whether this motion is even in order, because there are some references to Erskine May which speak to whether this motion is in order.

Leadership from the community of midwifery in the province of Ontario noted after having read the transcript, the Hansard proceedings, the Hansard report of the interview and the debate—which I concede in the case of Mr Callaghan, yes, transcended 10 minutes. No two ways about it. It wasn't unduly long. It wasn't as long as the debate we're having now over this motion for time restriction, but it was an important debate because as a result of that the leadership in the midwifery community here in the province of Ontario has been able to conclude that Callaghan demonstrated no skills in negotiation, analysis, interpersonal, interaction skills other than the fact that he was a salesperson, an unemployed salesperson. He demonstrated no experience in committee or group work; not one.

This is something we overlooked, and this is the danger of a 10-minute restriction on discussing or debating concurrence. Again, we weren't able to identify this absence of quality on the part of Mr Callaghan, and it would have been impossible to do it had we been restricted to the unconscionable time frame being proposed by the government. It was again the leadership in the midwifery community here in Ontario that noted that there was no demonstrated experience in committee or group work. We should have hit on that. I concede, I just hadn't encountered that, it hadn't flashed through my mind, because obviously working on the council of the College of Midwives of Ontario means you have to work with other people. We have to look at that as well.

1050

We can't discuss nominees in isolation. We have to discuss them in the context of their own personal history and also in the context of the sort of role they're going to be expected to perform.

Some of the appointments to BACs—boards, agencies and commissions—are one-person shows, so to speak. We used to call them one-man bands. We don't call them that any more; we call them one-person shows. But here there was an absence; Mr Callaghan was a manager and a loans manager in a variety of trust companies. Would we have been able to discern this had there been a mere 10 minutes? The fact that he identified his transition, his metamorphosis, from a trust company employee to a car salesperson—and I want to make something perfectly clear: Selling cars is an honourable profession and trade. The folks I know down at David Chev-Olds on Niagara Street, which, by the way, is a unionized Chev dealership—the people in the shop get members of the Canadian Auto Workers. The salespeople there I have high regard for. Many of them are my friends. Kathy Robertson, who's an exceptional and highly professional salesperson, who also has a lot of other skills—let me tell you this: Had Kathy Robertson from Welland been before this committee—she's a car salesperson, no two ways about it, a darned good one and a very responsible one—had she been here as a nominee to this position, you would have seen a car salesperson with great skills and great qualities. You would have seen a car salesperson about whom there would have been little debate as to concurrence. Kathy Robertson, a community-minded person, a person as a woman, of course, but also very sensitive to women's issues, having been involved in a broad range of activities in the community, demonstrating a strong social conscience—Chair, there you are; I missed you—Kathy Robertson, as a car salesperson, bingo, showing a whole lot of the qualities that Mr Callaghan doesn't.

We never did find, though, why Mr Callaghan—did you ever reflect on this, Mr Gravelle, that Mr Callaghan said he went into car sales because he was tired of the moving around, being transferred? Sorry, doesn't cut it, because each new job location was a different trust company. That's not called transfer, that's called quitting or being fired and having to move on, having to go to another community. So I don't quite buy into the, "I got tired of being transferred." He was never transferred once, unless you count leaving a job at one place and moving on to another.

We never got into that and again that hadn't been raised extensively during the course of debate, but he certainly had nothing in his background that demonstrated any background in working in committee or group work.

Again, had we not been able to have some reasonable time frame in which to debate the concurrence, there simply wouldn't have been an opportunity to observe, as the leadership within the midwifery community here in the province of Ontario points out after having read that transcript of the interview and the transcript of the debate on concurrence, that there's been—we wouldn't have been able to make the observation and try to impress our Conservative colleagues. I suppose it's presumptuous to think that the Tories would have voted unanimously and without thought for this appointment. It's presumptuous but dead on, because they've demonstrated nothing but a willingness, an eagerness to, comme des moutons, simply follow marching orders.

As I say, had there been only 10 minutes gross for three motions for concurrence, aggregate time of 10 minutes, we wouldn't have been able to identify—don't forget, this position pays $150 a day, per diem. Mr Bartolucci has assisted me in pointing out that there are a number of things about which and for which Mr Callaghan might have been an entirely suitable appointment.

Mr Bartolucci, God bless him and bless his insights, points out that the Rabies Advisory Committee is one committee which might have been a suitable appointment for this failed Tory candidate of June 1995. It's not shabby, it's $115 a day. You take a little hit from $150 down to $115, but something far more up Mr Callaghan's alley. When we're dealing with the council of the College of Midwives of Ontario, we're dealing with something that has a high sensitivity level and something for which, had we not had sufficient time to debate the motion for concurrence, we would not have been able to identify—Mr Callaghan wouldn't have been happy there, wouldn't have enjoyed it. It wouldn't have been fair to him to appoint him to that council, because what the College of Midwives of Ontario does is regulate the profession of midwifery in the public interest by ensuring that individ-

uals have access to services provided by competent health professionals and that individuals are treated with sensitivity and respect in their dealings with health professionals.

I'm concerned that the public appointments secretariat was unaware of the responsibilities of the College of Midwives of Ontario. What is going on that the public appointments secretariat would put forward Mr Callaghan's name for this sensitive position? How come none of the leadership in the midwifery movement of Ontario, in the midwifery community, has indicated to me that there was anything akin to consultation? Think about it. Isn't this why we need more than 10 minutes to debate motions for concurrence, so we can determine, hey, has there been consultation with the people who have an interest? I know Mr Martin has spoken with people in the midwifery movement, I know Mr Crozier has, I know Mr Gravelle has and certainly Mr Bartolucci has, conscientious as all of them are and treating their role here far more seriously, I tell you, than some of the government members—far more seriously. I know they've made inquiries in this very regard, and notwithstanding our best efforts, appreciating that the best-laid plans of mice and men often go astray, we couldn't discover anything akin to consultation with people in the midwifery community.

I'm concerned that not only were the Conservative members of this committee, not only was the public appointments secretariat, but also Mr Callaghan was unaware that members of the College of Midwives of Ontario are governed in accordance with (1) the Midwifery Act, (2) the Health Professions Procedural Code, (3) the Regulated Health Professions Act, and the regulations and bylaws of the college. Can we tolerate a mere 10-minute allotment of aggregate time for discussion of these? Surely it's important to point out that Mr Callaghan contained nothing in his submissions to this committee that would permit us by any stretch of the imagination to conclude that he even knew there was a Midwifery Act, revised statutes of Ontario—no, it wouldn't be in the RSOs yet, would it? Of course not. But statutes of Ontario.

1100

I know that you've got to go down to the government bookstore on Bay Street. I appreciate that Mr Callaghan wouldn't want to cross a picket line to go into the bookstore to buy his copy of the Midwifery Act, because he'd be a scab then. He'd be a scab, because that's what people are who cross picket lines, the lowest form of life, they're scabs. I don't think Mr Callaghan would want to be a scab, so I understand why he might have been disinclined to cross the picket line to pick up a copy of the Midwifery Act. But you know full well that you would have accommodated him, Chair, with a photocopy out of your SOs in the office. Any public library has a copy of the RSOs and the SOs. Heck, any number of people would have been prepared to even provide him with the Queen's Printer little Midwifery Act alone, or photocopies, whatever.

Never mind not having read the Midwifery Act; he contained nothing in his submissions that permitted us to conclude that he was even aware of it. How disappointing. Beyond disappointing—shocking.

What about the Health Professions Procedural Code? Another statute, the Regulated Health Professions Act? Again, I appreciate it's not in the RSOs, but every public library in this province, every lawyer's office—I appreciate why some people might be disinclined to go to lawyers' offices; I understand that, but so be it.

Mr Martin: Being a lawyer yourself.

Mr Kormos: Being a lawyer myself—having been a lawyer. But I suppose it's like riding a bicycle.

The regulations and bylaws of the college: No interest in these things whatsoever, de nada, nothing, nothing at the end of the day. So what are we left with? Nothing.

You also know, Chair, and that's why it's important that we have more than 10 minutes to debate these things, that the College of Midwives of Ontario develops and maintains standards of practice, entry-to-practice requirements, standards of professional ethics, and that the same college promotes and develops standards for continuing competence among the members. This is striking, because Mr Callaghan showed no familiarity nor any eagerness to accept the responsibility of yet another function, another responsibility, another role, of being a member of the council of the College of Midwives of Ontario.

I know you know this, Chair, because you're interested in these things and take your job responsibly. You don't come in here and follow marching orders. You've never been whipped in a vote in your life. You've voted the way your conscience has compelled you. I've heard you speak about that any number of times. You wouldn't tolerate a whipped vote if your life depended on it.

We know various committees of the College of Midwives have to function in a quasi-judicial role with respect to the suspension and revocation of certificates of registration to practise in Ontario.

We're not talking here about the rabies advisory council. That's why the council for the College of Midwives of Ontario make the big bucks, $150 a day as compared to $115. No, seriously, we're talking about a very serious function because, of course, performing in that quasi-judicial role—and again, some people, as they're disinclined to like lawyers, may be disinclined to like judges, but I can't think of any good reasons to dislike either. Judges I have the highest regard for. Judges who have moved on to other careers utilizing their skills as judges I have even higher regard for, and the utmost respect.

But a quasi-judicial role is very important, because in the context of the council of the College of Midwives of Ontario, you're talking about the power to terminate somebody's right to practise. You're talking about the suspension and revocation of certificates of registration to practise in Ontario. It's not Mickey Mouse stuff. It's not nickel-and-dime stuff. This is big-time. This is the big times. That is a very serious function.

Had we had a mere 10 minutes in which to discuss all three motions for concurrence, 10 minutes per caucus, we never would've been able to discuss adequately that Mr Callaghan—again, nobody doubts the fact that he's a nice person, but nice ain't good enough. An appointee to this position has to be prepared to not only accept but fulfil the responsibilities required when they're engaged in that decision-making in that quasi-judicial role.

It doesn't end there. There are procedures, processes, whereby there are appeals in a quasi-judicial manner, where the administrative law would prevail and the Statutory Powers Procedure Act, among other things—inter alia, as they say—would prevail. The decisions of that board—although I appreciate one of the arguments is that they could be corrected by that appellate level. But the appellate level in administration of law, as I'm advised by the clerk and by David Pond from legislative research—it's not as if you can rely in administrative law on an appeal court to fix everything up because with the Statutory Powers Procedure Act, Divisional Court, you have far more limited rights of appeal; the appellate body, the appellate court in this instance, is far more restricted in what it can consider. Issues of fact, for instance, are done deals. So we're not talking about a place here where there can be automatic cleanup.

Was Mr Callaghan even cognizant of the fact that some seven, eight members are elected in a prescribed manner by the members of the college and that he was one of the five to seven members who were appointed by the Lieutenant Governor in Council? Those people—look, this is where we concede, because the requirement is that they're neither members of the college nor members of a college or a council as defined in the Regulated Health Professions Act. This is what's colloquially termed as a lay appointment, and Mr Callaghan's a layperson, no two ways about it. But once again, that's a far cry from the complex skills that have to be applied from the context of this role in this appointment.

The council elects—I know you know this, Chair, because of your interest in this council—but the council elects annually a president and vice-president from among the members, a powerful position. Had we not had the opportunity to debate the motion for concurrence of Mr Callaghan, had we been subjected to an onerous and highly restrictive time frame, could this committee have made the sad, tragic error of concurring with his appointment, and then find him to be elected a president or a vice-president, an extremely powerful role? Those are the chances we can't take. It's those sort of errors that are going to be encouraged, facilitated, generated by the time allocation proposed by Mr Wood, MPP.

1110

Did Mr Callaghan understand anything of these things? No. Had he demonstrated an eagerness to make inquiries about any of these things prior to appearing here? This is why the 10-minute time frame's important. No. Had he bothered even to read the briefest of material in preparation for his attendance here? No. A highly unsuitable candidate.

I don't want to leave the impression that he wasn't out of the norm by doing that. Contrast Mr Callaghan with Mr Ayoub of the same date. Mr Ayoub came here for his appointment to the Ontario Film Review Board. He came here not only with an impeccable background in film-making and the arts and stage productions, but Mr Ayoub came here with, for instance, the Butler decision. You recall, Chair, the Butler decision was the defence—damn, I'll cut to the quick because I know we don't want to waste time here—selling obscene material and relying upon the Ontario Film Review Board's say-so as a defence under the Criminal Code.

But Mr Ayoub was familiar with that decision. He came. He had read it. He had sought it out. He had transcribed relevant comments from it. That was pretty impressive stuff. He was familiar with the board; he was familiar with its makeup. Mr Callaghan wasn't, and had we not had the time frame that we did, were we restricted in the way that Mr Wood wants to restrict us, these matters may not have been raised.

I note that there was an appointment that expired in November 1995, Ms Waugh. I don't know whether she was reappointed or not because that's one of the difficulties with this committee. We don't see all the appointments; the subcommittee does. I note that three appointments in January 1996 expired: Ms Israel, Ms Kryzanauskas, Ms Wu-Lawrence; that in March we've had the expiration of Ms Tyson, Ms Pollonetsky. Do you know Ms Pollonetsky? An incredibly competent person. She's on till May 3, 1996. Fiona Chapman, of course, she's on till 1997. Ms McNiven, Ms Ristok.

Here's Mr Callaghan from Pembroke. You've surely got to understand that the public appointments secretariat could have been a little more creative. It seems to have been almost an accident that we saw Mr Callaghan before this committee, some sort of accident, because it appears that Mr Callaghan had expressed no real interest in midwifery but simply put in his name; he hasn't got a job. Look, there are a whole lot of Ontarians who don't have jobs, we know that, and there are going to be increasingly more as this government continues its vicious attacks on our economy, on our public sector, on our children as it defunds and has basically eliminated junior kindergarten.

Do you recall when Minister Snobelen was making his introductory remarks as a minister to the legislation which purports to create a College of Teachers, a regulatory body for teachers? Just think of some of the people who are going to be appointed to that if this government's proposing Mr Callaghan for appointment to the council of the College of Midwives of Ontario. My concern about that—and for the life of me I don't know how it was I got thrown out of the House merely by expressing my concern about Mr Snobelen's comments accompanying his introduction of the bill creating a College of Teachers—was, what teachers? This government's emptying the schools of teachers. Teachers are being laid off. In Niagara region alone we lost around 450, almost 500 as a result of the funding cutbacks by this government. Across the province we're talking about literally thousands. There simply aren't going to be any teachers left to regulate.

I had been referring to Erskine May. I apologize for the digression, but it was important to flesh that out, because the point I was at was the role and the historical role of committees. I think that's relevant when we're talking about the type of restriction, of restraint that Mr Wood's motion will impose upon us here. As I indicated, Erskine May says, "In the course of time the various functions of these bodies were differentiated into a few fixed types; and a standard of size appropriate to each of these functions was also arrived at by experiment."

I know we've got a Deputy Speaker sitting here with us and I know he's already read this, indeed probably memorized it, so I don't want this to be overly tedious

for him, because I know that the Deputy Speaker here, Mr Johnson, has familiarized himself with not only the rules of the House but the most intricate and obscure precedents. He's demonstrated his familiarity with British parliamentary tradition as he sat in the Speaker's chair. He's demonstrated he has read not only Erskine May, volume 21, but I bet you he's read Erskine May, volumes 1 through 20, and then beyond. I saw him sitting at his desk in the House on one occasion and I could tell he was reading something because I saw his lips moving. I'm confident it was Erskine May.

Further: "Each House accordingly now possesses an organized system of committees"—this is Erskine May once again; I'm sorry, Hansard—"which comprises committees of the whole House;"—we'd already talked about that—"select committees and committees on private bills; in the House of Lords, public bill committees;"—that's not relevant here, because of course we don't have a House of Lords, not here at the provincial level; we don't have a House of Lords, of course, or a Senate—"and, in the House of Commons, standing committees on public bills and other matters. The functions of these committees include the consideration and amendment of public and private bills"—listen to this one, Chair, and I know my friends are over there making sure they're colouring inside the lines, but I would exhort them to listen to this—"inquiries." "The functions of these committees include"—this is important—"inquiries (sometimes of a quasi-judicial character) into matters which the House refers to them for investigation, and (for domestic purposes) functions of an administrative character. In addition, the two Houses sometimes collaborate"—this isn't relevant to us because it talks about the House of Lords and the House of Commons, but I should put it in just because you know what's going to happen. When I cede the floor and the Tory members want to participate in this debate, they're going to accuse me of taking something out of context from Erskine May.

Here we are, debating this motion to restrict our discussion on motions for concurrence to a mere 10 minutes, and I don't want to see any dilatory arguments being put forward by the Tory caucus based on me purportedly not quoting in context, so we're going to put this in context.

1120

"In addition, the two houses sometimes collaborate in joint committees, which consist of select committees of both houses sitting and voting together. In this chapter the procedure of these committees will be described in the following order:

"(1) Committees in the House of Lords; (2) committees in the House of Commons; (3) joint committees." That, as I say, is page 572 in the 21st edition of Erskine May.

I'm referring now to page 601 of the 21st edition of Erskine May. It's midway through the page with a subheading, "Procedure in standing committees." This I ask you to pay particular attention to, Chair, and had Mr Wood or whoever it is who gives the marching orders in the government caucus bothered to read this, he or she—that is, whoever gives the marching orders—might have realized his motion may not quite be in order.

Page 601, 21st edition, Erskine May: "Procedure in standing committees. A standing committee has no power to frame regulations for its own procedure." I'll repeat that. "A standing committee has no power to frame regulations for its own procedure."

The reference there is to parliamentary debates of 1883, so we're not talking about something that's just popped up out of the woodwork. A parliamentary committee has no power to frame regulations for its own procedure. Well, what is this motion? You see, this committee is given birth to—that's not a pun, but speaking in the context of midwifery—by the House, by the Legislature. All I can do is tell you what's here. Don't shoot the messenger, Chair. "A standing committee has no power to frame regulations for its own procedure." That's exactly what Mr Wood purports to do. It can't be done. No jackpot here. It can't be done.

I'm going to get back to Erskine May, but having made reference to that, and that of course is from parliamentary debates of 1883, we've got to take a look at where this committee derives its procedure from. It derives it from the standing orders. You've got to be from some other planet not to know that. The standing orders are orders that are adopted by the Legislature.

Take a look, Chair, please, at part XX, in roman numerals, of the standing orders: "Committees." This is why I say, and I made reference earlier to the fact that this committee is distinguishable from other committees because—and we're making reference, of course, to standing order 106. I know the clerk and the Chair and I have discussed this at length on previous occasions.

Standing order 106 says: "Within the first 10 sessional days following the commencement of each session in a Parliament the membership of the following standing committees shall be appointed for the duration of the session:

"(a) standing committee on administration of justice;
"(b) standing committee on general government;
"(c) standing committee on resources development;
"(d) standing committee on social development;
"(e) standing committee on estimates."

Then take a look at these little fine-print reference things here on the left-hand and right-hand borders because they're valuable in understanding what the corresponding section means. The next one goes to "Orders of reference." See that tiny little, hard-to-read print there, "Orders of reference"? See, that's where the procedure comes from. It can't come from the committee; it's got to come from the Legislature. "Orders of reference."

You'll forgive me for referring to paragraph (f), because that is the standing committee on finance and economic affairs, but it helps illustrate what they mean by orders of reference: "Standing committee on finance and economic affairs which is empowered to consider and report to the House its observations, opinions and recommendations on the fiscal and economic policies of the province and to which all related documents shall be deemed to have been referred immediately when the said documents are tabled." Fair enough.

Take a look, though, at (g). This one will really knock you back, Chair, because this is where we've got the regulations for the procedure. They come from the standing orders. They come from the Legislature. They don't come from the committee. That's what Erskine May

says on page 601, "A standing committee has no power to frame regulations for its own procedure." Parliamentary debates, 1883. Here is what has the power to frame regulations for the procedure of committees: the standing orders. It comes as no surprise to you, does it, Chair? Now, if you want to indicate at any time that this motion is out of order, of course that would wrap things up.

So we've got to look at what the procedure is for this committee. Here we're referring to paragraph (g) of section 106, more appropriately, standing order 106:

"Standing committee on government agencies which is empowered to review and report to the House its observations, opinions and recommendations on the operation of all agencies, boards and commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations to which the crown in right of Ontario is a majority shareholder, such reviews to be made with a view to reducing possible redundancy and overlapping, improving the accountability of agencies, rationalizing the functions of the agencies, identifying those agencies or parts of agencies which could be subject to sunset provisions, and revising the mandates and roles of agencies, and to review the intended appointments of persons to agencies, boards and commissions and of directors to corporations in which the crown in right of Ontario is a majority shareholders according to the following procedures:"

There we are. These are the procedures. Mr Wood does not make the procedures. The government caucus does not make the procedures. The committee doesn't make the procedures. The standing orders make the procedures. This is what they are:

"1. A minister of the crown shall lay on the table a certificate stating that the Lieutenant Governor in Council or the Premier, as the case may be, intends to appoint a person to an agency, board or commission or to the board of directors of a corporation, together with a copy of the position description and a summary of the person's qualifications, which documents shall be deemed to be referred to the committee."

Now, this is obligatory, and I want to draw your attention specifically to the words "a summary of the person's qualifications." That implies that there have to be qualifications before the person can even be presented, right? He had no qualifications. If he had no qualifications, they can't be summarized. Think about it, Chair. It is obligatory that "A minister of the crown shall lay on the table"—again, inter alia; I love it, inter alia—"a summary of the person's qualifications." I think that says something very specific, don't you, Chair? I think it indicates quite clearly that there have to be qualifications to lay on the table. What do you do when a candidate, a nominee, simply has no qualifications? Mr Callaghan had no qualifications.

1130

Again, I'm not making this up. I'm not pulling this out of thin air. This isn't anything particularly difficult or erudite or abstract. Here it is; it's written in the book, in the standing orders. There have to be qualifications. Well, there's been a serious breach in the case of Mr Callaghan. There were no qualifications to lay on the table. He was totally unqualified. I'm surprised that the Chair—no, I should be fair—hadn't picked that up at the first instance. It would have saved us a whole lot of time, effort and energy, because there were no qualifications.

Now, paragraph 2—and these are the procedures. Mr Wood can't run around willy-nilly establishing new procedures when it suits his convenience. We know the government is embarrassed as all get-out by the abysmal lack of competence of more than a few of their pork-barrel nominees. That's why they want to restrict the time for debating them. There simply are no examples—and when I cede the floor and the Tory members want to rebut what I've had to say, they will not be able to produce one example of an occasion in this committee when there was unduly lengthy debate.

I know my colleagues on this committee: Mr Martin, who represents his riding well, Mr Martin from Sault Ste Marie, who has an intimate familiarity with the north, with the workers there, with the community of Sault Ste Marie and the surrounding areas, strong support for education in his community, frustrated as it is with the axing and the slashing and the cutbacks and the attack on education, the attack on training, the attack on the poor, the attack on the sick, the attack on the elderly, the attack on the youth, the attack on trade unionists and other workers by this government. Mr Martin, as Vice-Chair of this committee, is well aware of the complete absence of qualifications on the part of Mr Callaghan and similarly well aware of the fact that the reason this government wants to impose a 10-minute time restriction on debate for motions of concurrence is so that committee members will be denied the opportunity to do their job.

Well, I'm sorry. Where I come from, we can chew gum and walk. Where I come from, unlike these Tory members, we're used to earning our pay, and I have every intention, as a member of this committee, of earning my pay.

The porcine Tories grabbing those little $103-a-day tax-free per diems, shame on them. They talk about restraint but, boy, have some people stashed away some little bank accounts. You don't have to put it in a safety deposit box, guys. It's not like some of the other payola, because this one is already tax-free; it's not as if you have to hide it. It's not like the money that one might clean out of the jukebox or out of the pinball machine or out of the coin laundry that you don't want to pay tax on and have to put in a safety deposit box.

I remember the big bank robbery, I think it was in Brockville. It was incredible. Tthey cleaned out all the safety deposit boxes, which were stuffed full of all kinds of cash and what have you for people who wanted to avoid taxes. The problem was, those people couldn't even report the thefts because they would have blown their cover. So it was remarkable. That was 1951, the Brockville bank robbery? Okay. It was an incredible phenomenon. So here are all these people ripping off the taxman, just like some of the corporations in Ontario and Canada today. Forty billion dollars in deferred taxes remain unpaid as of 1994. If we collected even a modest percentage of interest on those deferred taxes, we'd go a long way to reducing the deficit.

Those are the sorts of reasons the government doesn't want to hear the opposition talk about some of its nominees.

Of course, we're addressing the matter of who determines procedure for this committee, and we know it's the Legislative Assembly. We're looking forward to some wisdom prevailing on the part of the whip, who I think himself is whipped pretty good at the end of the day, or more likely at the beginning of the day. Notwithstanding that the Nuremberg defence didn't work there and it ain't going to work here, Mr Wood, if all is said and done, is probably going to indicate that he's merely following orders. Well, I think it's time for somebody to come clean and find out from whom, but since he doesn't have the floor yet and since we can never compel him to answer, we're just going to have to carry on.

We're at (g) of standing order 106. I think we're at paragraph 1, which we just referred to. Again, I'm going to repeat, it is compulsory that a summary of the person's qualifications be tabled. I think the ministers of the crown who are responsible for that better pay a little more attention to the standing orders, because we've had more than a few pieces of paper tabled here that have not contained any qualifications.

So we're up to paragraph 2, and that is: "Upon receipt of a certificate as referred to in paragraph 1, the clerk of the committee"—and that's Ms Manikel in most instances here, unless she is assisted by one of her able assistants in the Clerk's office—"shall distribute to each member of the subcommittee on committee business a list of intended appointees in respect of whom a certificate has been received."

Once again, that's the procedure. The procedure isn't what Mr Wood says it's going to be, the procedure isn't what his whip's office says it's going to be, the procedure isn't what Mr Harris says it's going to be, the procedure isn't what the $1,000-a-day spin doctors say it's going to be, the procedure isn't what the pollsters and the image-makers say it's going to be; the procedure is going to be as indicated in the standing orders.

Oftentimes when we go through life, we have to recognize that God blesses us; God gives us gifts. I believe that. I believe that very sincerely. Sometimes we're simply too foolish to recognize when we have been gifted. I think God in that respect has a sense of humour, because He or She likes laughing at our blindness.

Here we've got an opportunity, as we're debating Mr Wood's motion, to also actually go through standing order 106, because you want to know something, Chair? I'll bet you dollars to doughnuts right now—we're not talking about any illegal gambling here, but I'll bet you dollars to doughnuts that there are more than a few people on this committee who have never read these standing orders. I'm convinced of it. I can tell because I can hear them scratching their heads as I go through it. I'm now on page 74 of at least my copy of the standing orders, for the benefit of Hansard, who of course are obliged to transcribe this and distribute it to people who want it. I want to tell you, Chair, I have the highest regard for Hansard people.

Again, you and I have been here longer—isn't that remarkable?—you and I, sitting here in this room right now, have been here longer than any of these other people. No disrespect to them. Well, Ms Manikel and everybody else too, boy, have they been here a long time; have they seen governments come and go. Think about it: In my short career in Parliament, I've already seen three different governments in power, and I got a feeling I'm going to see a fourth. I've just got that feeling.

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Mr Peter L. Preston (Brant-Haldimand): After the first two, they got it right.

Mr Kormos: I got a feeling I'm going to see a fourth.

We're on page 74, Hansard. "The subcommittee shall meet at its own initiative or at the request of the committee...." I've encountered that before. We're talking about the procedure that Mr Wood thinks he has the power to amend. "At the request of the committee" one might presume is by virtue of a majority vote of the committee. I think by the language used that that's obvious, because when we get to the issue of deferral, which Mr Wood availed himself of, it became obvious that that was an as-of-right procedure by an individual.

This is Val Taylor, who's the legislative assistant in the office of Tony Martin. She's been here longer than I have. She's too young to have been here as long as you have, Chair, but she is super. She's up in the gulag with us, up in the south end. She's up in the gulag with us where Mr Martin's office and mine are, up there on the second floor, the south end. It's remarkable, but you know what, Chair? And again, in the context of this debate, during the course of the last government I was given the office that was furthest away; it was as far as you could go in the building without being out of the building, up on the fourth floor. But the laugh was on them because I had the best view of anybody in the Legislature. I had these enormous bay windows overlooking literally Queen's Park. And where's the Premier? He's looking down at a parking lot. I'm looking out at Queen's Park, and it was just great; I loved it. And even now I'm on the second floor, but I've got a view looking southbound, as compared to the Premier, once again, except the Premier doesn't spend a whole lot of time here, does he? Uh-uh. Interesting. When he's not touring the world on taxpayer funds, he's over in Whitney Block, we're told. Unprecedented. Because we're talking here about who gives the marching orders to try to change procedure and who has the real responsibility.

I hope the Chair will concede or concur with me that the issue here is the establishment of procedure. The motion is about procedure, so I don't have to keep referring to a mere 10 minutes of aggregate or gross time.

I hope the Chair is starting to get the drift of my argument. I'm building here on a succession of observations. I hope the Chair is starting to get the drift of my argument, and that is that this committee doesn't have the power to change its procedure. I didn't grab that out of a hat or out of thin air. I went to the precedents, to the references, as one should do.

But the reason I was talking about the Premier over at Whitney Block is because the Premier, rather than in his office here at Queen's Park, is buried away there surrounded by, again, the spin doctors, the $1,000-a-day consultants, the pollsters, more than a few of them sycophants. I'm aware of other governments that have been done in by the pollsters who have given them the results they thought they wanted to hear but that's not the way it was in reality.

But that's a remarkable divergence from tradition here in the province, because the Premier's office—is it true? I suppose I shouldn't pose this as a question because somebody might feel compelled to answer, but I'm told that the Premier's office is sort of right next door to the secretary of cabinet. I mean, we're talking here—and then there's a few of those dollar-a-day people, the blue-suit folks, the big corporate gang dictating government policy.

I have great concerns about the diminishing role of the individual member, and what this motion does is attack the role, the function, of a member. I can't for the life of me imagine why a backbencher like Mr Wood, who may well end up in cabinet, but don't forget, there's even more people to go through in that caucus before he gets into cabinet than there were in ours back between 1990 and 1995—but who is unlikely to end up in cabinet—I shouldn't say that. Oh, fair enough; "unlikely" is fair enough. I'm not saying it's impossible—because he should be interested in protecting the role of the backbenchers. What this change in procedure proposed by Mr Wood does is it attacks the role of the backbenchers.

Remember what Pierre Trudeau said? Chair, I know you do. He said a lot of things and some of them were mere symbols, but we knew what he meant, and it wasn't that "I still think you're number one." But Pierre Trudeau said and I'm paraphrasing this—Warren and Fife wrote the book Capital Scandal. Bob Fife, a Toronto Sun reporter, Capital Scandal, it's a few years old. It's a fascinating book about Parliament Hill. But it also talks about the quality of debate in Parliament and the reason it has declined, but it also of course makes reference to Pierre Trudeau's comments. I'm paraphrasing now because I don't have the exact quote, and that is that once a backbencher is 15 minutes away from Parliament Hill, they are but a nobody.

The problem is once these Tory backbenchers are sitting in their seats in the Legislature they're but nobodies, in terms of the process. And they're increasingly knowing it. Because you see, they've got to follow scripts. They're not allowed to say anything that isn't scripted. Oh, did my heart swell with anticipation and pride when we saw a little bit of a revolt from some of the rural members. Right? Rural members were going: "Hey, what gives here? We made a promise to our constituents that got us elected about maintaining funding for rural Ontario." And there was a letter signed by a number of them to the Premier and perhaps a copy to Noble Villeneuve, who is the Minister of Agriculture, Food and Rural Affairs.

I've known Noble for a good chunk of time and I like him, and I think he's particularly frustrated by what this government is doing to him and his ministry. So we saw the briefest moment, because we're talking here about the role of a backbencher, and we're talking about this little bit of a growth of, by God, they've finally developed some backbone and they're talking back. Maybe it was our fault, because I think we blew their cover in question period. Howard Hampton had the letter. How he would have gotten it, Lord only knows, but Howard Hampton had the letter, blew their cover, and all of a sudden those people were whipped into shape. It was like a scene out of Marquis de Sade, the whipster flailing and flashing and waling away. Before you know it, you even had people denying that they signed the letter. Again, it was like Peter in the garden of Gethsemane. The denials were frequent and rampant and loud.

And to what end? I've spoken in the House to these backbenchers, saying, get with the programs, folks. You're going to do a lot more by thinking on your own, by consulting your constituents and by not letting yourself be bullied around by a whip or least of all a House leader, or by a leader. At the end of the day, you're far more likely to secure your position here if you show a little bit of guts and don't let yourself become just a little monkey on the end of a string, a little puppet, a little trained seal balancing that red ball on the end of your nose. That's no way for adults to let themselves be treated, first of all. It deprives people of dignity, and I feel sad to see adults, and they are adults, carrying on as if they were little school children.

What this motion does, what this change of procedure does is it deprives all these Tory backbenchers, who rarely speak in the House, don't get a chance to, very rarely speak in the House. Once in a while, if they grovel, they get a question because they need a little local media hit, right? That's how it's done.

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I'm from a community—it used to be a Thomson paper, now it's owned by Mike Harris's good friend Barbara Amiel and her husband Conrad Black. So Connie and Barb own the Welland Tribune—Hollinger. They picked it up from Thomson. They also bought the Niagara Falls Review. I know what it's like. These folks as backbenchers, virtually no power. The decisions are made up on top. We're not talking about democracy here within the caucus. No power. They're afraid now, and again perhaps we shouldn't have raised that letter in question period, the one that talked about the rural members in the Tory caucus being angry about the defunding of the Ministry of Ag, because now these people—it was like that scene from The Exorcist when she wet herself down on the carpet. I'm sure these guys wet their pants damn near in the Leg when Howie Hampton stood up with that letter. They went, "Holy zonkers, now my name is mud." They're probably disinclined to ever do that again.

Look what their whip here is doing to them, because when he imposes a 10-minute time frame for each caucus, he imposes that time frame on them. Lord knows, they were given precious little opportunity to express what their views really are, and even less now.

We dealt, of course, with procedure, which in this motion is a significant change to the procedure, which I submit cannot be done. Again, in reference to the 1883 debates in the British Parliament, the procedure for a standing committee cannot be determined by the committee itself; it has to be determined by Parliament. I suppose on unanimous consent you can do virtually anything, other than what you're statutorily barred from doing. But trust me, there ain't going to be unanimous consent.

Here's an interesting one. The town of Deseronto Police Services Board, Raymond Kemp nominated as member, withdrawn. Interesting. Somebody backed out.

Heat is building up. I suppose we're doing the right thing.

I should observe, of course, that the people brought before us today—Mr Rossetti, of course, is going to be appointed, Mr Poratto to the Manitoulin-Sudbury District Health Council, and Heather Nordell to the village of Point Edward Police Services Board. I regret that we didn't have a chance to talk to these people, because as often as not we learn as much—we learn about the dogs that are marched through, but from the good people we also learn a little bit about their insights and what they propose to do. I think it's valuable for us.

But Mr Wood has put a motion on the floor that simply will not be tolerated and can't be. It's quite frankly out of order, quite frankly undemocratic; is a gag order not only on the opposition but also on his own members, and his own members are sitting there taking it. I don't believe it. What a sad, pathetic sight that they're sitting there taking it from Bob Sampson.

So we've got: "3. The subcommittee shall meet at its own initiative or at the request of the committee to select from among the intended appointees referred to in paragraph 1, those intended appointees the committee will review. Each member of the subcommittee, other than the Chair, may choose one or more of the intended appointees for review from the certificates provided by the clerk of the committee."

There is inherent in that—although it's not stated because we know that the subcommittee, because it says "each member of the committee may choose one or more"—some fairness. It implies that notwithstanding of the respective sizes of the caucuses—the Tories, of course, being eight—which means, why don't we all just go home? This committee is a joke. It's pathetic. It's going to become even more humorous if this motion isn't withdrawn, because the Tories are simply going to back up their political hacks, the bad ones, and the opposition can vote, but they're always going to be outnumbered.

Until some Tory members show some courage—that's courage with a "c." Who had no courage in the Wizard of Oz? Was it the lion who had no courage? Yes? The lion who had no courage. And I would commend that some of these people, like the lion in the Wizard of Oz, find—who was the author of that? Frank—please, Mr Martin. Frank is the first name of the author of that book, the Wizard of Oz.

Mr Martin: I can't help you. Sorry.

Mr Kormos: Okay. In any event, the lion spends that whole adventure looking for courage.

Just as Diogenes spent a lifetime looking for an honest man, sadly, I hope these Tory members don't spend their political lifetimes looking for courage rather than simply seizing it and acting upon it, because if they don't seize upon some courage, they won't have much to tell their grandkids about what they did while they were involved. There won't be much about which they will be able to distinguish themselves.

This isn't a particularly courageous motion, either. Quite frankly, it's a gutless motion. It's a motion of cowardice, because what it reveals is the government's incapacity to take the heat. They want to make the big bucks, they want to take the perks, they want the cars and the drivers, they want the expensive offices, they want those expensive breakfasts at the Inter-Continental hotel up there by Harry Rosen on Bloor Street, where the corporate credit cards are—

Mr Rick Bartolucci (Sudbury): Point of order: Certainly we've heard extensively this morning about procedure and the importance of procedures. I would suggest that according to the standing rules of the committee, we only meet in the morning. The morning seems to be over at 12 noon. I therefore move that this meeting be adjourned.

The Chair: The clock has been noticed, and under that rule we really must adjourn now.

Mr Bob Wood: Could I speak to that point of order?

The Chair: An adjournment motion is not debatable.

Mr Bob Wood: It's a brief point of order saying that because of the time and the resolution, you have to terminate the committee. I'd like to speak to that very briefly. We have thrown away $1,000 in costs. I apologize to the three individuals who have come down here and not been able to be heard by the committee. I think it's an embarrassment to us all that that's happened, and we apologize, and I hope you, Mr Chair, might consider offering some comment on that to them. We've also totally thrown away the cost of this committee today, and I hope we can encourage the members to avoid this sort of conduct in the future.

Mr Kormos: Withdraw your motion, Bob.

The Chair: I don't think it serves any purpose getting into a debate on this now, when we must adjourn at noon. I would appreciate it, Mr Rossetti and Mr Poratto, and I don't know whether Ms Nordell is still here or not, if I could have a word with you at the adjournment to discuss whether next week would be a good time for you to appear. Under the orders, next week when we begin, Mr Kormos still has the floor and has the right to continue his debate under the orders of the House. So we must understand that.

Mr Bob Wood: It's our view, Mr Chair, that no one should be called next week and we should do the SARB review next week.

The Chair: I was going to mention that, now that we're into it, because I don't think there's been any work done on it yet, as I understand it, and Mr Pond would need some direction from the committee. I believe that's usually the way it works.

Mr David Pond: I can handle it.

The Chair: You can handle that? All right. But the subcommittee should meet next Tuesday and deal with that issue, in my view.

Mr Preston: I object to cutting Mr Kormos off. Regardless of the fact that all he said is drivel, I give him the right to do that. I don't see why we should cut him off. I think he should be allowed to continue with his diarrhoea of the esophagus until he's finished.

The Chair: The problem is that once the clock has been noticed, we must adjourn, and we are adjourned.

The committee adjourned at 1200.

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**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Wettlaufer, Wayne (Kitchener PC) for Mrs Ross

Clerk / Greffière: Tannis Manikel

Staff / Personnel: David Pond, research officer, Legislative Research Service

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Standing committee on government agencies

Comité permanent des organismes gouvernementaux

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 17 April 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 17 avril 1996

The committee met at 1005 in room 228.

SUBCOMMITTEE REPORTS

The Chair (Mr Floyd Laughren): The standing committee on government agencies will come to order. You will recall, committee members, that at the last meeting of this committee, Mr Kormos had the floor, debating a motion by Mr Wood.

Mr Bob Wood (London South): Mr Chairman, on a point of order: I might indicate to my friend Mr Kormos that, pursuant to the agreement made by the House leaders, I am prepared to withdraw my amendment in the event I do get the floor. So when that happens, I propose to withdraw my amendment to this motion.

The Chair: Is it clear, Mr Kormos, that you have to cede the floor to Mr Wood in order for him to withdraw his motion?

Mr Peter Kormos (Welland-Thorold): Sure.

Mr Bob Wood: It's the amendment that I intend to withdraw, actually.

The Chair: Correct.

Mr Kormos: I understand that, Chair. This is a real test of trust, isn't it? And honour.

Good thing I'm not a parking attendant out at the east wing when John Hastings is in a hurry to get to the washroom. Did you read that little bit in the Sun this morning? Incredible. Of course, you can't believe everything you read in the papers, but Gary Dunford, who's an interesting columnist, talks about how yesterday, John Hastings, in a miserable mood obviously, pulls up at the east side and finds a three-car motorcade blocking the east archway at Queen's Park. But that's where he wanted to park. The High Commissioner of India was paying a courtesy call, of all things. He didn't inquire of the RCMP, or Metro security present, as to how long he might have to wait. In fact, the cars were about to be moved to face the exit. He yells at the poor parking attendant in the rudest way, slings his Ford Explorer halfway across the sidewalk, locks it, and stomps into the Legislature, only to send an aide out around an hour later to move the car on to the sidewalk, to the great inconvenience, obviously, of persons with disabilities or the sightless.

I was actually looking forward to Mr Hastings being here this morning as I was commenting on this motion by Mr Wood, because of course I was going to make a whole lot of hay about that type of rudeness. But I will cede the floor on that understanding and on my regard for the word of Mr Wood.

Mr Bob Wood: I hope Mr Kormos will note that I did that on the record. I'm sure when he was in the legal business, he liked to have undertakings on the record.

Mr Chair, I'd like to withdraw my amendment.

The Chair: Okay. The subcommittee report of March 26—just so we're all perfectly clear on this; we don't want any confusion afterwards—says, "That the time for the motions for concurrence will be split evenly between the parties." That would stay, and what would be removed would be the amendment that says "for the three appointments will be limited to 10 minutes per party." Are we in complete agreement?

Mr Bob Wood: That's my understanding of it.

The Chair: Okay. That's in agreement then. Thank you, Mr Wood.

Can we proceed then to the reports of the subcommittee?

Mr Bob Wood: I think I have a motion on the floor, Mr Chair, which is the adoption of the report of the subcommittee of Tuesday, March 26.

The Chair: Sorry. I'm reminded that the subcommittee report of the 26th, with these intended appointees, is what was being debated.

Mr Bob Wood: I think that's now on the floor, as I understand.

The Chair: You're right. Who had the floor? Did you?

Mr Bob Wood: Unless anyone else has anything more to add to this, perhaps we might proceed to a vote.

Mr Kormos: I believe we're referring to—let's identify this—the Tuesday, March 26, 1996, subcommittee report. The one that deals with the selection of John Rossetti, among others.

The Chair: Correct.

Mr Kormos: Which is academic now, in any event.

The Chair: Yes. No, wait a minute.

Mr Bob Wood: I think, Mr Chair, the report itself may be moot, but presumably we should adopt it.

Mr Kormos: I'd ask for clarification on what is paragraph 2 of that, "That the time for the motions for concurrence will be split evenly between the parties." As a matter of fact, I'm going to move that that be deleted from the report of the subcommittee and I so move, that paragraph 2 be deleted.

The Chair: Okay. Did you wish to speak to that?

Mr Kormos: I think it's self-evident.

The Chair: Okay. Does anyone else wish to speak to Mr Kormos's motion that paragraph 2 be deleted?

Mr Bob Wood: I think, Mr Chair, it basically lacks teeth. I'm not going to oppose the motion.

The Chair: Okay. All those in favour? Opposed? Then paragraph 2 is deleted. Thank you for your cooperation on that.

What needs to be done now is this subcommittee report has to be approved, as amended, because it's been amended now. Is there a motion for that? It's already there.

All those in favour? All right. We'll get through this. Thank you.

Can we move then to the Tuesday, April 2, subcommittee report?

Mr Bob Wood: If it's in order, I'd like to move the adoption of the report of the subcommittee of Tuesday, April 2, 1996.

The Chair: I assume that the date on that which says, "Date for consideration: 17 April..." will be altered subsequently on the April 16 subcommittee report.

Mr Bob Wood: It'll be amended by our next one.

The Chair: All right, it's been moved for the subcommittee report. All in favour? Carried.

Can we move then to yesterday's subcommittee report?

Mr Bob Wood: Mr Chair, I'd like to move adoption of the report of the subcommittee of Tuesday, April 16, 1996. I think I have to move an amendment to paragraphs 3 and 4 in that "31 April" I think is in fact "May 1."

The Chair: Yes, paragraph 2, as well.

Mr Bob Wood: I think it may also appear in paragraphs 3 and 4. So, if I may, I'll move the report of the subcommittee and then I'll move those two amendments as one amendment.

I move the adoption of the report of the subcommittee of Tuesday—

The Chair: With that change of May 1.

Mr Bob Wood: I'm in your hands.

The Chair: Yes, that's okay. With that change of May 1 noted. It's just the wrong date.

Mr Bob Wood: Okay.

The Chair: Okay, that's been moved. Accepted? Nobody opposed? Okay.

I believe that it's understood that the committee will now, in closed session, deal with the report on the Social Assistance Review Board. Is that understood, that that was to be in closed session, I believe?

Mr Bob Wood: That's my understanding.

The Chair: It's a draft report that we're dealing with.

Interjection: What does "closed session" mean?

The Chair: Closed session means that only committee members and staff are here.

Interjection.

The Chair: No, not this part because we're building a report, or trying to put together a report.

Interjection.

The Chair: Same thing. Okay?

The committee continued in closed session at 1014.

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**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Vankoughnet, Bill (Frontenanc-Addington PC) for Mr Preston
Brown, Jim (Scarborough West / -Ouest PC) for Mrs Ross

Clerk / Greffière: Tannis Manikel

Staff / Personnel: David Pond, research officer, Legislative Research Service

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Wednesday 24 April 1996

Journal des débats (Hansard)

Mercredi 24 avril 1996

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

Intended appointments

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Président : Floyd Laughren
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 24 April 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 24 avril 1996

The committee met at 1003 in room 228.

The Chair (Mr Floyd Laughren): The committee on government agencies will come to order. We're ready to proceed. Members who have seen the agenda will know that we have two intended appointments to consider this morning, Mr Rossetti and Mr Poratto, and then we'll proceed in the normal fashion with the motion for concurrence and the report of the subcommittee which met yesterday.

INTENDED APPOINTMENTS

JOHN ROSSETTI

Review of intended appointment, selected by official opposition party: John Rossetti, intended appointee as member, Gaming Control Commission.

The Chair: The first intended appointment is Mr John Rossetti. Mr Rossetti, if you would take a seat, we can proceed. We have a half-hour for each person. If you want to make an opening statement, you're welcome to do so, then whatever time is left over is split evenly among the three parties.

Mr Peter Kormos (Welland-Thorold): Mr Chair, if I may, Mr Rossetti was here some weeks past. I, in fact, spoke to his nomination indirectly while speaking to another important matter. I'm moving that we waive any examination of Mr Rossetti and I would then be prepared to make a motion for concurrence. For the life of me, I don't understand why he was brought back here again, with his CV, and that's consistent with the comments I made the last time he was here. So that motion is on the floor.

The Chair: Mr Kormos wishes to waive the consideration and the discussion on Mr Rossetti's appointment. Whether you like it or not, that's a vote of confidence in you, Mr Rossetti.

Mr Bob Wood (London South): I think, Mr Chair, such a motion's not in order. This has been designated by the official opposition. Unless they withdraw it, we should proceed.

The Chair: But the committee can do it.

Mr Bob Wood: No, Mr Chair, I don't think they can. I think it's out of order. Unless the Liberals withdraw it, we have to proceed.

The Chair: That's right. I'm saying there has to be unanimous consent.

Mr Bruce Crozier (Essex South): Mr Rossetti was our choice, and he is here; he has taken the time. It seems to me that on a number of occasions Mr Kormos can't seem to understand why we bring people before the committee. I can tell you, sir, we bring them before the committee so we can learn something. I don't object to his appointment either, but I have some questions I'd like to ask him that will be helpful to me, so I'd like to continue with it.

Mr Kormos: Perhaps the nominees could put their phone numbers on their CV and we could phone them if we want to see them.

The Chair: Unless there was general agreement among all three parties, we wouldn't consider that anyway. Seeing no unanimous consent, Mr Kormos, do you want your motion voted on since it won't go through?

Mr Kormos: No, but I do now move concurrence with Mr Rossetti's appointment.

The Chair: No. If we're not going to have general agreement on having a discussion of Mr Rossetti, I don't think it's appropriate to move concurrence on it now.

Mr Kormos: It's out of order?

The Chair: Yes. Let's proceed with Mr Rossetti.

Mr John Rossetti: Good morning, Mr Chair and members of the committee. I would like to thank the members of the standing committee for giving me the opportunity to sit before you on my intended appointment to the Gaming Control Commission.

I'm a 36-year-old chartered accountant and a partner with the firm of Collins Barrow in Toronto. My area of practice includes audit, corporate finance, restructuring and management consultant. I'm married to Anna, a banker by profession, and have two children, Matthew, 7 and Sarah, 4.

My community involvement includes working with local charities such as my local church group, and I have served as a member of the board of the Metropolitan Toronto Housing Authority, appointed by the then Minister of Housing Evelyn Gigantes and chaired by Madam Jean Augustine.

I have accepted the invitation to sit as a commissioner of the Gaming Control Commission because I have extensive financial training and experience to serve on a commission that has such large financial impact on our society and that is becoming an even more important source of revenue for many charity groups.

In light of the high level of honesty and integrity that is fundamentally important to the ever-growing industry of gaming, I have accepted openly and freely an invitation for the Ontario Provincial Police to do a thorough investigation on myself and on my family in order to be considered for the position. I believe those prepared to serve in a position of authority must undergo the same scrutiny and investigation that they themselves have been appointed to uphold and regulate.

I understand that the mandate of the commission is to safeguard the public interest in legalized gaming. The commission must ensure that gaming is conducted with honesty and integrity and conducted in the public interest. Should you approve my appointment, I intend to ensure that the legislation set out in the Gaming Control Act is properly and fully respected and upheld.

I thank you again for giving me the opportunity to sit before you.

The Chair: Thank you, Mr Rossetti. We'll go to the government members first.

1010

Mr Peter L. Preston (Brant-Haldimand): Mr Rossetti, I was going to ask you what particular skills you were bringing to the commission, but it's obvious what skills you have. I have one question: Will you have the time to devote to this situation?

Mr Rossetti: When I was asked to sit on the commission, I was told that the position would entail of course some research. I was given the profile of the members on the commission and I was impressed by the roster. I was also told it would be a meeting maybe once a month, and that I'd have to go through a thorough OPP investigation.

At that point I sat down and I looked at my agenda in my practice. I have considered it quite seriously and have come to the determination that I must serve not only in sort of self-interest within my practice but should also serve in the community, and this is part of community involvement, in my view. Yes, I have the time and I will make the time and the effort to be up to speed on the legislation that we have to regulate.

Mr Douglas B. Ford (Etobicoke-Humber): Thank you for coming again today, Mr Rossetti. You were here before, but thank you for coming back. I have a couple of questions. Why have you agreed to serve on the commission, and what do you hope to accomplish during your tenure on the commission?

Mr Rossetti: I was given the opportunity to serve on the commission and I have an interest in making sure that if there's an industry in Ontario that's growing, as gaming is, and it's becoming very important to such groups as charity—

Interjection.

Mr Preston: Mr Kormos, you're ignorant. I'm sorry for interrupting you, sir.

The Chair: Order. Don't interrupt.

Mr Ford: Anyway, what do you hope to accomplish during your tenure? You tentatively answered some of that.

Mr Rossetti: I would like to make sure the legislation that has been enacted is properly regulated and enforced. I think gaming is a very important industry in Ontario, but I also have an interest in ensuring that it's done in a just and an upright manner.

Mr Preston: I'm sorry, Mr Rossetti. I spoke out of turn.

The Chair: Anything else, Mr Ford?

Mr Ford: No other questions.

The Chair: Anything else from this side? Okay, then to the official opposition.

Mr Crozier: Good morning, Mr Rossetti. I appreciate even more the fact that you're taking time to come before us this morning considering that we're only five or six days from the end of tax season as well. I imagine you're pretty busy.

As I said at the outset, it certainly isn't my intention to challenge your appointment, because I think you're very well qualified for it, but I did want to spend some time in a specific area of gaming and wanted to get your opinion on VLTs. Video lottery terminals are one of those types of gambling that certainly the Ontario Video Gaming Corp is promoting. Do you have any thoughts for us, any opinions on VLTs specifically?

Mr Rossetti: First of all, I'd like to make it very clear that I understand a position on the commission as being one of regulation and ensuring that the act is upheld. As far as whether the VLTs have a place in gaming, that's something that has to be researched and, in my opinion, it's going to have to be a government decision whether it's included in part of the gaming.

I don't have enough information on it. I have some concerns in terms of the regulation, ensuring that the audit and the controls are in place, but as to whether I have an opinion on whether they should be included, no, not at this point. I just don't know enough.

Mr Crozier: You simply don't have an opinion or you prefer not to give an opinion?

Mr Rossetti: I prefer not to give an opinion.

Mr Crozier: That's fair. Have you attended casinos, for example, Windsor Casino, Las Vegas?

Mr Rossetti: I have not.

Mr Crozier: You haven't?

Mr Rossetti: I attended a casino in Istanbul. I am not a gambler.

Mr Crozier: That's kind of interesting as well.

Aside from the financial controls—and we all want to see the appropriate financial controls put in place for any type of gambling in Ontario, whether it's charitable or government-run or a partnership between government and private. With VLTs, though, these will be proposed to be put in much more publicly accessible areas, ie, bars, restaurants. What are your thoughts on how we can regulate the use of VLTs when underage individuals may have access to these areas?

Mr Rossetti: If they do become part of the local bars—let's call them the local establishments. We currently sell cigarettes, which are illegal to sell to minors. There's an infrastructure, a legal process in place that store owners are not allowed to sell to minors. If the government chooses to include VLTs as part of the gaming, as a commissioner of the gaming control I would like to ensure that there are safeguards; first of all, to make sure that people clearly understand the odds of winning, that minors are excluded, as they currently are from entering casinos, and I would like to ensure that there's some legislation in place that has something to do with addiction, maybe time considerations.

Mr Crozier: And penalties, I assume?

Mr Rossetti: I would strongly suggest penalties, yes.

Mr Crozier: With your background and certainly, as you get into this, with your interest, would you see your role as not only applying the law as the government may choose to write it, but that you may be part of suggesting

what that law and what those controls should be? Do you see that as part of your role?

Mr Rossetti: The government is elected. I may suggest and I may recommend, but in my view Parliament is supreme and it ultimately makes the decision as to what is legislation.

Mr Crozier: I know that all too well, but I just wanted to get a sense that you feel you would be part of all of this, not simply taking the law as it's proposed, but that you would be part of suggesting what the law should be, how these controls can be effective.

With the sale of cigarettes to minors, the law is just a piece of paper and it's a sticker on the machine; they used to have them in vending machines, which we finally got rid of in public places because the sticker on the machine meant nothing. Since you brought up the sale of cigarettes, I compare that to vending machines you can get cigarettes from. We're now going to have vending machines you can gamble at. We can't have someone standing at each machine to regulate it. I wonder if you share my concern and to what degree that concern is shared when it comes to regulating their use by minors.

Mr Rossetti: I'm very concerned about ensuring that minors are excluded from using the VLTs; that the law is in place, first of all, and that the law is strictly enforced and that severe penalties, if the legislation permits, are imposed on those providing the VLT service. We've also got the Criminal Code in place. We should have a responsible society. I'd rather have it out in the open so it could be regulated rather than in the back rooms where it's unseen, unheard and unregulated.

1020

Mr Crozier: I appreciate your coming. I wish you well on the commission. I hope you take a proactive role, not simply wait for laws to be made and then apply them; that given your expertise and once you get involved and learn more about it, whether or not you're required to as part of your position on the commission, you'd provide advice to the government on the appropriateness of VLTs and how they're to be used and where they're to be placed. I think that kind of advice would be helpful to the government, and I hope you play that role as well.

Mr Rick Bartolucci (Sudbury): John, you've got a varied background but a background that prepares you very well for this. However, when you get on to the commission, you're going to find varied political backgrounds, because they're appointments, obviously.

I look at the appointment from the Nickel Belt area, John Fera, a very competent, qualified individual who was appointed by the New Democratic Party. Certainly, were I sitting on the other side, I would ensure that become a reappointment because he's so qualified and so competent and he's so fair and brings a very unique perspective with him. Maybe you can comment on your background. Do you feel you will be able to handle the political variety on the commission?

Mr Rossetti: First and foremost, as a member of the commission I would have to ensure the honesty and integrity and that gaming is conducted in the public interest. That's first and foremost, as it is for the legislators in our House. As far as political opinions are concerned, they would have to be secondary and would have to take a back seat to ensuring that the public interest is upheld.

Interestingly enough, you raise the point about political affiliations. I've met the current chair, Clare Lewis, and I said to him, "I can't figure out your political stripes." He says, "Neither can I, because I've been appointed by the Davis government, the Peterson government, the Rae government." I respect an individual of his calibre, because he puts politics aside and does a great job for the commission first.

Mr Kormos: You might have drawn the inference that the fact that Clare Lewis came with you when you were here last sealed any doubt I might have had about your capacity.

The gaming commission of course transcends casino gambling, but obviously there's very much a focus on that because of the currency of that particular issue. The real dilemma that that industry is going to have in this province, especially in border locations, is the fact that as soon as American jurisdictions, to wit, Michigan and now New York state, with a new governor who has a far different perspective towards New York state casino gambling than did Cuomo, the previous governor—even though there's a whole lot of suggestion that Cuomo's resistance to casino gambling in New York state was mostly in support of Atlantic City, New Jersey, gambling, Trump's et al, but that's a different story.

As soon as casinos appear in border locations in the US jurisdictions, Michigan and New York specifically, in terms of anticipated sites here in Ontario, they're going to kick the daylights out of Canadian casinos because we still have the Criminal Code prohibition against dice games. If you read Scarne, who's one of the historical authorities on gambling—I was in a casino once in Bratislava, so I'm like you; I have a very marginal exposure to that sort of activity. But one of the real problems Ontario casinos are going to have is the ongoing Criminal Code prohibition against dice games. Any adjoining American casino which does not have a similar prohibition is going to draw especially the big-money gamblers. The net result will be that Ontario casinos will tend to attract less the tourist, the transient gambler, and more so utilize the local population as the source of revenue and players.

Neither the previous government, nor this government, to the best of anybody's knowledge, has spoken with the federal government about amending the Criminal Code. The Criminal Code provisions against dice are archaic. They're part of the old cheating provisions and don't relate to casino gambling but more to the flim-flammery of travelling dice artists who would go from town to town and take in the locals.

I would hope that the gaming commission itself, with some interest in the future of gaming, if indeed that's going to happen—gaming is here. You may well know that I opposed casino gambling in the first instance, but that's fine. The fact is that the jurisdiction now is one that contains casino gambling. It seems to me that the gaming commission has got to initiate this discussion, obviously in conjunction with Quebec, Manitoba and British Columbia, has got to address with the feds this

issue of eliminating from the Criminal Code the prohibitions against dice. Otherwise, our casinos are simply not going to be competitive in any way, shape or form with neighbouring casinos and are going to be left to be sucking money out of the local constituencies. That doesn't seem to me to be the interest in establishing gaming.

I simply leave that with you, and I thank you very kindly.

The Chair: Are there any other comments? Seeing none, Mr Rossetti, we as a committee appreciate your patience with the committee in coming back. Thank your for your appearance. As you may know, at the end of the meeting the committee reviews the appointments of that day, so you'll be notified.

Mr Rossetti: Thank you again.

RAY PORATTO

Review of intended appointment, selected by third party: Ray Poratto, intended appointee as member, Manitoulin-Sudbury District Health Council.

The Chair: The next intended appointee is Mr Ray Poratto. Welcome to the committee. Did you wish to make any comments to begin?

Mr Ray Poratto: Thank you, Mr Chairman. I beg your indulgence this morning. I have a new electronic mechanism that I'm experimenting with, so I might not hear your questions as clearly as I would like to.

It's a pleasure to be back again, although I have to talk to Mr Palladini about those potholes I had to drive over on Highway 69 on two occasions. In any event, my name is Ray Poratto. I think there's been a résumé passed about so that some background would be available to you.

I have an interest in the district health council for a variety of reasons. I serve on the board of the seniors' advisory council of the regional municipality of Sudbury. It's the umbrella organization that deals with all the various seniors' groups throughout the region. I have a number of local interests in health care, of course, having been a resident of the Sudbury region for 100-odd years, and go back for five generations on both sides, so we have some sense of the question of the delivery of health care. I have worked with the chamber of commerce on the board for a number of years and we have dealt with those issues locally.

I have a large family, seven, with eight grandchildren, so certainly I have an interest in health care in the longer term.

1030

My community activities are extensive and they're listed in the résumé. I don't have to belabour those, I suppose.

I notice there was a question on the political level, and certainly my activity has been extensive on a local basis in local politics, as Mr Bartolucci and Mr Laughren will testify. The case for involving oneself in the community extensively has been my habit and my pleasure. I have a good deal of time available at this point in my life in that I'm retired, even though when I call myself a retiree I find myself a lot busier than I was when I was fully employed with two or three jobs.

I'm open to any questions that anyone has with respect to my qualifications or my intentions or what I bring to the district health council table.

The Chair: Anything else, Mr Poratto? Thank you for that. Do the government members have any questions?

Mr Preston: Thank you very much for coming down, sir, again. I understand you have written extensively on the district health council. How do you feel about the recommendations made last year about the restructuring of Sudbury hospitals?

Mr Poratto: I watched with some concern the fact that the restructuring recommendations were not more rapidly approached by the disparate groups involved, the various interest groups involved, and they are numerous. I watched with concern because I felt there was a disadvantage to the health care system in the region: a disadvantage to patient care, a disadvantage to the funding of the system. When you speak of the restructuring review, my position would simply be that the restructuring review should have been implemented as early as possible to avail ourselves of those advantages—funding, patient care and those other questions.

Mr Ford: Mr Poratto, in your preliminary statement you told us a little bit of the background and some of the areas you have served. As a direct statement for this committee, why have you agreed to serve on this council and what background and skills do you have that you feel make a valuable contribution to the council? You've already mentioned some of it, but I just wanted a direct statement for this committee.

Mr Poratto: I was drawn to it because I recognized the controversy and I felt there was a need for strong leadership and coordination to bring the disparate groups together. I've had a good deal of experience in that field, in small business and with union groups and with consumer groups and with marketing groups. I felt I had a part to play and it was time to speak out on that question. As I watched the controversy continue, it seemed almost endlessly, I took the initiative and wrote to the ministry and to the district health council and expressed some of those thoughts. The responses I got from that initiative indicated, "If you've got a good deal of thought on how the DHC should operate, perhaps you should make an application," so that's exactly what I did.

Mr Ford: It sounds like you've covered both sides of the parking lot, the left side, the right side, centre and everything else. Thank you very much, sir.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): Basically, you've given us a good rundown. What do you hope to achieve during your tenure in this position?

Mr Poratto: I would hope to achieve the effect of a district health council that can bring together those forces that are working against what I believe are the best interests of a good health care system commensurate with affordability. A good deal of acrimony has been developed in the health council that should be set aside in the greater interests and the principle of good health care. I believe I have exemplified that capacity in the past and I think I can bring that kind of leadership to the council, to get them to work together to do the job that has to be done.

The Chair: Anything else? Okay, we move to the official opposition.

Mr Bartolucci: Welcome, Ray. Ray tells you about his political involvement but doesn't refer to a particular party, but let me tell you, from attending all-candidates' meetings where he was supposed to be organizing them, certainly the questions were very conservative in nature.

Mr Crozier: Conveniently.

Mr Bartolucci: Conveniently. We don't have a copy of your application here. We do for Mr Rossetti and we do for Heather Nordell, but we don't have a copy of the letter expressing interest. Did you expressly ask to serve on the DHC in your letter?

Mr Poratto: Yes.

Mr Bartolucci: Who did you submit the letter to?

Mr Poratto: The district health council. I spoke to them directly, I spoke to the chair of the district health council, I wrote to the ministry. Those were the contacts I made. As a result, I received telephone calls back from both of those sources. I wrote a letter to the editor expressing my views on the question of the wrangle that was going on endlessly.

Mr Bartolucci: Did you go through the screening process of the DHC? Did you go before the DHC board that makes recommendations to the minister?

Mr Poratto: Did I go before the council?

Mr Bartolucci: Yes.

Mr Poratto: No, I have not appeared before the council.

Mr Bartolucci: Let's talk a little bit about the restructuring situation in Sudbury. I'm sure you're aware, with your involvement, that two lab services proposals have been submitted to the minister. Which one do you favour, and why?

Mr Poratto: I don't have a specific choice on those two questions. I believe the controversy indicates that there is a good deal of merit on both sides of that question, and for me to fire from the hip at one or the other is inappropriate for me at this point. The district health council and the other participants in the system certainly have strong points of view and it would be necessary for me to study and analyse and come to a conclusion that I believe is in the best interests of the community, simply that.

Mr Bartolucci: What about the northern outreach program? What can you say about that? Are you in favour of the northern outreach program, and how do you feel the DHC and the northern outreach program can meet to ensure better quality health care?

Mr Poratto: I think the DHC has to in the beginning fulfil its role planning in detail and in the long term what the needs of northeastern Ontario are, and the Sudbury region more particularly, and as that planning formulates, the will to implement the appropriate planning has to be in place. That's the thing that I see has been lacking, the will to implement what seems to be an appropriate consensus, given the circumstances and the need, the money that's available and the needs of the area. That will to proceed is in my view what's lacking. There's been too much in-fighting, for example.

Mr Bartolucci: Specifically, though, with the northern outreach program, I think that's pretty critical with health restructuring in northeastern Ontario and certainly in the region of Sudbury. Would you agree?

1040

Mr Poratto: Yes.

Mr Bartolucci: Then can you speak specifically to that particular program and how it should be intertwining with the DHC?

Mr Poratto: I play the role of a consumer, not a professional health care person, and I believe, as a consumer and as a person with considerable business background, I can determine what is the best program, to analyse the programs that would be most appropriate.

Mr Bartolucci: Do you know what the goals of the northern outreach program are? It's critical to the DHC.

Mr Poratto: The purpose of the DHC is to—

Mr Bartolucci: No, the northern outreach program.

Mr Poratto: I'm sorry, I don't get your question.

Mr Bartolucci: Do you know what the goals of the northern outreach program are?

Mr Poratto: Yes.

Mr Bartolucci: Okay. Knowing their goals, how can the DHC help foster realization of those goals?

Mr Poratto: In the beginning, I suppose the DHC and other groups have made a good deal of effort to have Sudbury designated as a centre that is underserviced, from the medical standpoint, and therefore develop systems and plans to encourage young doctors to come to Sudbury—and I think that's only been realized just a very short time ago—so they can then begin the outreach that you refer to. I don't think the DHC has been as successful as it would like to be in outreach, simply because there's been a tremendous shortage of MDs. Some of this designation will, I presume, I would hope, help to improve that outreach effort, for example.

Mr Bartolucci: I would suggest, if this appointment becomes a reality, that you quickly get hold of Jackie Thoms—you are familiar with Jackie Thoms—and have her fill you in on how many years the program has been in existence and how they've tried to foster the goals of health care improvement in Sudbury.

Let's talk about another area that I think is critical to the DHC and I'm sure you do too, and that's the Northern Health Human Resource Research Unit. Are you familiar with that unit?

Mr Poratto: I'm sorry, I don't get your question, Rick.

Mr Bartolucci: The Northern Health Human Resource Research Unit operates out of Laurentian University, Science North etc. Are you familiar with that unit?

Mr Poratto: No, I'm not.

Mr Bartolucci: I think it's critical, as well, that you find out some information about that. I think Dr Pong would be able to give you information that's vital to the situation.

Let me talk about the Sudbury Memorial Hospital for a second. You're in favour of its closure, then?

Mr Poratto: It's apparent to everyone in the Sudbury region that the Sudbury Memorial Hospital has done an exceptional job in the field in which it functions, which is cardiovascular. There's no doubt that service is essential to the total health care system. Therefore, whether the Sudbury Memorial Hospital remains open for whatever

length of time, it's very necessary that that program, that's recognized, as I said, all over northeastern Ontario, be continued by moving it in the restructuring review that has been done and to ensure that it continues in its excellent role. The Sudbury Memorial Hospital has been scheduled for closure over a period of time; the review indicated that.

I would presume it's necessary, as a district health council, to review that review, if you will, not to change it but to begin to implement those items that obviously are due and proper. The Sudbury Memorial Hospital's role in the community, the function that it performed, should continue; whether or not it continues in that particular bricks-and-mortar location is another story, and obviously the restructuring review has indicated that it should close. I would presume that is the predominant position that has been taken, and the district health council therefore has to bear that in mind as well as act in its role as a district health council to ensure that the benefits the health care system brings are available to everyone.

Mr Bartolucci: Are you in favour of Sudbury Memorial Hospital staying open as a cardiac-thoracic institute?

Mr Poratto: Not necessarily. No, I'm not in favour of it staying open if the restructuring indicates clearly that that service can be provided in the restructured program.

Mr Bartolucci: So you're not in favour of it staying open as a cardiac-thoracic institute?

Mr Poratto: As long as that program and that service are provided in the new restructured form, there obviously is no necessity for it, or perhaps if it can't be done, Memorial should continue to provide that.

The Chair: Your time is up, Mr Bartolucci. Mr Kormos.

Mr Kormos: You became aware of a vacancy on the council?

Mr Poratto: Yes.

Mr Kormos: How did you become aware of the vacancy?

Mr Poratto: How did I become aware of what, Peter?

Mr Kormos: The vacancy on the council.

Mr Poratto: How did I become aware of—I don't get the word you're using.

Mr Kormos: How did you become aware of a vacancy on the district health council?

Mr Poratto: Of the necessity for it? I don't get the word.

The Chair: Ray, could I try to help you? How did you know there was a position open on the health council for which you could apply? How did you find out about that opening?

Mr Poratto: How did I know that a position became available? Is that what you're saying?

The Chair: Right.

Mr Poratto: I was unaware. I made those initiatives I referred to, Mr Kormos. I took that proactive position, I suppose you'd call it, and as a result, I was invited by the DHC itself. They said, "If you feel you have special expertise or an ability to bring these groups together"—and on and on—"then please apply." I wrote a letter to the editor, as I mentioned, and I wrote a letter to the ministry as well. The main impetus for my approach was the result of the discussions I had with the DHC people, who were a little exasperated at my approach and my suggestion that they should end their wrangling and get at it, in that tone. They simply said, "Invite yourself to become a member," so I did.

Mr Kormos: You did that by making a written application to the Ministry of Health?

Mr Poratto: As well, that's correct.

Mr Kormos: As well as a written application to whom?

Mr Poratto: I was told by the DHC that I should send in an application to the boards and commission people as well, so I inquired about that.

Mr Kormos: Did you ever meet with the nominating committee of the district health council to which you were applying?

Mr Poratto: No.

Mr Kormos: Who did you speak with on the district health council prior to your application?

Mr Poratto: Mr Knight and Mr Ferguson, those two. One is the chair and the other is a member.

Mr Kormos: When did you make your application to the Ministry of Health?

Mr Poratto: Some time after that.

Mr Kormos: When was that?

Mr Poratto: Several months ago.

Mr Kormos: And you became aware that the district health council was advised of the imminent appointments of you and other people?

Mr Poratto: Had I been advised? No. That's the reason I'm here, I thought.

Mr Kormos: Quite right. When were you advised that you were being approved by the government for nomination pursuant to the rules and prior to your appearance before this committee?

Mr Poratto: I received communication then from the person who administers the boards and commissions appointments to respond. That was several months ago.

Mr Kormos: You spoke with at least two members of the district health council prior to your application?

Mr Poratto: Correct.

Mr Kormos: You made a written application to the Ministry of Health and to the public appointments secretariat?

Mr Poratto: Correct.

Mr Kormos: But you never made a written application to the district health council to which you are applying?

Mr Poratto: No. I spoke with them.

Mr Kormos: But you never made a written application to them?

Mr Poratto: No.

1050

Mr Kormos: Are you aware that the guidelines for appointment indicate that the nominees are to be submitted by the district health council?

Mr Poratto: No, I'm not aware.

Mr Kormos: Are you aware that the district health council has expressed great concern about the propriety of appointments being submitted and contemplated by the government?

Mr Poratto: The nominations by the government, is that what you said?

Mr Kormos: Yes.

Mr Poratto: My nomination has not been made by the government, to my knowledge.

Mr Kormos: Are you aware that the district health council has expressed great concern about the appointment by the government of people to its council?

Mr Poratto: That concern was not expressed to me by Knight or Ferguson.

Mr Kormos: As recently as April 15, in its letter to Jim Wilson. You're not aware of that?

Mr Poratto: That they expressed concern?

Mr Kormos: Yes.

Mr Poratto: Prior to that they had made the suggestion that I should apply.

Mr Kormos: But you never applied to the district health council, did you?

Mr Poratto: No, they told me to apply to the board.

Mr Kormos: Are you aware that the district health council has bylaw requirements to meet in terms of the makeup of its health council?

Mr Poratto: I presume they have bylaws to cover that.

Mr Kormos: Are you familiar with that bylaw and what it requires?

Mr Poratto: Am I aware of the specific terms of the bylaw? No, I'm not.

Mr Kormos: Are you aware that the district health council's recommendations in terms of nominations have been ignored by the government?

Mr Poratto: No, I'm not aware of that.

Mr Kormos: Are you aware that the district health council has advised the Ministry of Health that the appointments being proposed by the government conflict with or contravene the bylaw requirements of the makeup of that health council?

Mr Poratto: I'm not aware of that.

Mr Kormos: Do any of those things cause you concern?

Mr Poratto: No.

Mr Kormos: Contravention of the bylaw of the district health council is of no concern to you?

Mr Poratto: It is of concern, but I'm sure they would accept the application, because I've spoken to both those people and they indicated that's exactly what I should have done: make an application. They should have told me at that time that I should have made an application to them as well. I'm not aware of that.

Mr Kormos: Have either of those people offered letters of support to you for your application?

Mr Poratto: Other than to indicate that if I had a good deal of thought as to how the council should function, I should proceed, other than that, I have no knowledge of any specific support.

Mr Kormos: Had you ever applied for appointment to the district health council prior to this application you're speaking of?

Mr Poratto: No.

Mr Kormos: Why not?

Mr Poratto: The controversy erupted only in the last year or two, and I have followed it during that time.

Mr Kormos: Had you ever applied for appointment to any board, agency, commission of any government in this province prior to this application?

Mr Poratto: I did several years ago to the Ontario Training and Adjustment Board, and I was appointed to the council by the previous government. We sat for a period of about six months and then in July of last year the OTAB and its councils were disbanded.

Mr Kormos: Is that on your résumé? Yes, "Past Member of Business Reference Council of OTAB." That's what you're referring to.

Mr Poratto: The council is actually called the entry/re-entry council. It was a council of OTAB.

Mr Kormos: Yes, but under memberships, you put "Past Member of Business Reference Council of OTAB."

Mr Poratto: Yes, it was the business reference that was made to the council. That's why I referred to it as the business reference council, but it was the entry/re-entry council of OTAB.

Mr Kormos: But your notation in your résumé, your CV, is accurate, as you noted it? "Past Member of Business Reference Council of OTAB."

Mr Poratto: There were two sections: one was business and one was labour, so I just identified which it was. On the council, there were two groups.

Mr Kormos: You list a number of participations in boards of directors and in memberships. None of these indicate activities that indicate a specific interest in health issues.

Mr Poratto: Yes, the seniors' advisory council addresses health care issues and has. I'm on that board and have been for several years. It's the umbrella group that coordinates all the seniors' groups in the region.

Mr Kormos: The problem is that that's not on the résumé.

Mr Poratto: If I tried to put everything I did on my résumé, I'd have to take up three or four pages.

Mr Kormos: I understand.

The Chair: Thank you, Mr Kormos.

Mr Bert Johnson (Perth): On a point of order, Mr Chair: I wonder if Mr Kormos could be instructed to speak plainly and upfront. We're having a heck of a problem trying to hear him over here. It sounds like his mouth might be full of marbles. I wonder particularly if he could be instructed to talk plainly and out clearly.

Interjection: He was speaking loudly because of Ray's hearing aid.

The Chair: Mr Johnson, I don't think that's a particularly helpful suggestion.

Mr Poratto: Mr Chairman, may I respond to Mr Kormos?

The Chair: No, I'm sorry. We've run out of time. Mr Poratto, thank you for your patience in coming back again and appearing before the committee. You will be notified by the committee.

Mr Kormos: Chair, it's remarkable on Mr Johnson's part that if I but whisper in the Legislature that he's a dupa in the most sotto voce reference, he hears it at the drop of a hat.

The Chair: I think we should spare Mr Poratto from any more of this. Thank you, Mr Poratto.

We are now at the point of the agenda where we consider concurrences in the intended appointments. The first one is for Mr Rossetti.

Mr Bob Wood: Do you consider Mr Kormos's motion to be on the floor?

The Chair: No.

Mr Bob Wood: Do you want to move concurrence on Mr Rossetti? It's yours.

Mr Kormos: Thank you. I so move.

The Chair: Mr Kormos has moved concurrence on Mr Rossetti. All those in favour? Opposed? Carried. Thank you very much for that.

The second motion for concurrence—well, there isn't one yet.

Mr Bob Wood: I move concurrence in Mr Poratto.

The Chair: So moved. Any comments? Any discussion?

Mr Crozier: In view of the fact that Mr Kormos brought up the question that his appointment may not be according to the bylaws of the district health council, I wonder if there's some way we might clarify that, and in so doing, I would ask for a deferral of one week for his appointment.

The Chair: It is in order to request a deferral for an appointment. Therefore, ergo—is that the right word, Mr Kormos, "ergo"?

Mr Kormos: You got it.

The Chair: We'll have a deferment of one week.

Mr Crozier: In the meantime, could we get some clarification about whether he is not being appointed according to the bylaws of the district health council, and if not, why not, and what can be done to correct that?

The Chair: Okay.

Mr Bert Johnson: Also within that research, I wonder if Mr Pond would look into what happens if the bylaw of a district health council contradicts or conflicts with a provincial guideline.

Mr Crozier: I don't know if you can do all this for us.

Mr David Pond: I can give you the answer right now.

Mr Crozier: No, wait for a week to tell us.

The Chair: There's been a deferral for one week suggested, and that is completely in order.

Mr Bob Wood: Mr Chair, I can speak to this now if you want, but if you really want the deferral, we'll do it in a week.

The Chair: I think he wants the deferral.

Mr Crozier: We'd like to see Mr Poratto's letter of application as well, if that's possible.

Mr Pond: I presume the letter of application can be provided.

Mr Bob Wood: Mr Crozier has asked the committee to request it from the minister, and he'll either give it to you or he won't.

Mr Crozier: I would think the appointments secretariat would have it. He said he sent one.

Mr Bob Wood: You may be right. I think the request should go to the public appointments secretariat and to the minister, who will either produce it or not, in accordance with what they want to do.

The Chair: We'll try to get that letter for the committee for a week from today. Anything further on that? That's done, then.

SUBCOMMITTEE REPORT

The Chair: The final agenda item is the report of the subcommittee. Do you have copies of this? Okay.

Mr Bob Wood: I move adoption of the report of the subcommittee of April 23, 1996, and I'd also move that reading of it be waived.

The Chair: Any debate on that? All those in favour of Mr Wood's motion for acceptance of the subcommittee report? Any opposed? Carried.

That concludes this meeting of the standing committee. I thank members for their attention and cooperation, and Mr Poratto for his attendance. We're adjourned.

The committee adjourned at 1102.

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**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Vankoughnet, Bill (Frontenac-Addington PC) for Mrs Ross

Clerk / Greffière: Tannis Manikel

Staff / Personnel: David Pond, research officer, Legislative Research Service

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Comité permanent des organismes gouvernementaux

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Nominations prévues

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 1 May 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 1er mai 1996

The committee met at 1122 in room 228, following a closed session.

INTENDED APPOINTMENTS

RAY PORATTO

Continued review of intended appointment, selected by third party: Ray Poratto, intended appointee as member, Manitoulin-Sudbury District Health Council.

The Chair (Mr Floyd Laughren): The committee will come to order. We do not have a lot of time to consider the two items left on the agenda. One is the concurrence for the intended appointee Mr Poratto, and then the subcommittee report.

Before we get into that, there were a couple of requests made last week. One was that the letter Mr Poratto wrote to the Ministry of Health or the public appointments secretariat be tabled with the committee. That request was made but it has not appeared; we don't know what's going on there.

Second, there was a request for the bylaw of the Manitoulin-Sudbury District Health Council which talked about some of the requirements so the makeup of the council reflects the diversity of the community it is serving. That is here on two sides of this paper. One is the bylaw itself, and the other side is the status as of April 25, which includes Mr Poratto, I believe. Yes, it does, fourth from the top. An assumption was made to put him on there as well.

That's where it stands right now. We need a motion for concurrence for the appointment.

Mr Bob Wood (London South): So moved, Mr Chair.

The Chair: Okay. We'll open up for debate. We start with the official opposition.

Mr Rick Bartolucci (Sudbury): I cannot support concurrence. Let me outline some of the reasons. I understand that today I'm speaking to government members, most of whom weren't here at committee last week. I understand that. Mr Preston was, Mr Wood was and Mr Johnson was, so let me address my comments directly to you because you were here last week.

This gentleman, upon discussion, certainly indicated that he did not have a good working knowledge of the health issues in Sudbury. I think that was abundantly clear. The Chair and I don't agree on all the recommendations from the district health council. Certainly the DHC and I don't always agree with the recommendations for restructuring. The Conservatives in Sudbury and I don't always agree with the way the restructuring should take place. But let me tell you, between the Conservatives in Sudbury and myself and the minister there is room for discussion, there is room for dialogue and there is room for openness. Between the Chair and myself, there is room for discussion, there is room for dialogue, there is room for openness. The DHC and I have met, and although we don't always agree, there is that opportunity to be open, to be frank, to be honest and to look for some compromise.

We disagree, but there is one thing we all agree on, and whether it be from the DHC or from the Chair or from many of the Conservatives in Sudbury, there is legitimate concern about this appointment. I do not believe the hospital restructuring process will be enhanced by the appointment of Mr Poratto to the DHC. I have made my viewpoint known to the Chair, I've made it known to Mr Wood, and to the minister.

I believe it must be on the public record that I suggest to this committee that this appointment will not enhance hospital restructuring in Sudbury. The Chair and I, along with Ms Martel, know best the sensitivity of hospital restructuring in Sudbury. When I look at some of the appointments that have already taken place by the government that I concur with and support—Mr Yurich is an excellent appointee; Dr Hennessy is an excellent appointee, in my estimation; Dr Zalan is an excellent appointee. There are several others. Ms van Boxel is an appointee who will present a very positive case.

This gentleman, in my estimation, from my experiences in the community—you people saw the questioning. I do not think it was grilling. I thought the questioning was very fair, asking about hospital services and direction, which I believe a DHC appointee should be aware of. Clearly, that working knowledge was not there.

I am concerned, because of the sensitivity of hospital restructuring in Sudbury, that this appointee will not enhance the process. I'm fearful that there will only be greater division caused by this appointee within the committee itself and within the community. I believe I am here to represent the broader needs of the community. I don't believe it's a partisan issue and I don't want this to be a partisan comment against a government appointee. I have gone on record publicly today saying I support the recommendations and the appointees who have come before, and I've mentioned those I find very, very good appointees to the DHC.

This one is clearly not an appointee who will enhance the process. I let the minister know that I think Mr Poratto can cause a fight in an empty room, and I'll go on public record as saying that. His approach to the committee last week was one that I thought was demeaning towards the two parties of the opposition, but more important—and I say this with all honesty—I do not think he enhanced the respect of the committee members

on the government side to any degree with his performance about not being able to hear the questions. I found that very distasteful, but that's just an example of what is to come with this appointee.

More important, though—I say this in all sincerity and I don't want this to be viewed in any way as a partisan comment, because it's not meant to be—this is not a person who will enhance the process. This is not a person who has the sensitivity necessary for hospital restructuring in our community, in our region, for northeastern Ontario. I say that in all sincerity. I don't know what else to say to try to plead a case that this appointee is not in the best interests of health care provided in the community.

I'll not be supporting it. I know this will probably take place. I just hope my observation will not come to fruition; however, I'm very fearful that within months my observations will be fact.

1130

Mr Bruce Crozier (Essex South): Just a quick comment. It may be obvious to everybody here, but whether this committee concurs with the appointment or not, the minister can go ahead and carry on with the appointment. I just wanted to make sure everybody understood that, that what we finally decide here may or may not end up in this appointment.

Mr Peter Kormos (Welland-Thorold): First, I think we all acknowledge that district health councils appropriately have a great deal of power. That's a wise structure, it's one I think that everybody supports, and it's something that should be enhanced. I personally have expressed for some time the viewpoint that district health councils, like hospital boards, should be publicly elected so there is that accountability. Indeed, if they were, this type of appointment process wouldn't be necessary, although a structure might be one wherein there are provincial appointees like on police services boards to ensure that the provincial message is delivered to these councils or boards.

Having said that, I now wish to comment on the appropriateness of the appointment of Mr Poratto. Mr Poratto, as you know, appeared here and responded to questions put to him by all three parties. Mr Poratto betrayed himself, I submit to you, as somebody who, although not particularly bright, none the less possessed some crude sense of cunning or shrewdness. Certainly, he left the impression that he believed he was being more than cute in his selective hearing. As questions became more difficult, his loss of hearing became more apparent. I appreciate that he may well have some hearing loss, but it was dramatic and obvious how that hearing loss escalated as the course of questioning continued and as the volume of the questions put to him was increased in an attempt to accommodate him, recognizing that he may have had some hearing loss.

That, as I say, results in the irresistible conclusion being drawn that he was simply playing games in what I've described already as a crude sense of cunning, accompanying a man who simply isn't very overwhelming in terms of presenting himself as being very bright.

As well, there was an obvious lack of commitment to the goals that have to be achieved in the Manitoulin-Sudbury area. His responses to Mr Bartolucci's questions about the specific nature of hospital restructuring and the options available to the Manitoulin-Sudbury area indicated either an ignorance of those issues or, once again, a refusal to want to respond to them.

As troubling as the fact that somebody as crude and boorish and feeble—and I'm speaking of intellectually feeble—as intellectually feeble as Mr Poratto would be put forward by the province as an appointment to this board is the fact that there seems to have been a total circumvention of the process as outlined; that is to say, that appointments shall flow from a list of nominees submitted by the district health council. That's what the structure provides for in terms of process. Mr Poratto seems to have circumvented that process.

Equally troubling and raising greater concern is the fact that there was a request made for his letter of application, and the fact that that wasn't forthcoming from the government after it was requested a week ago by this committee. The reason for the deferral was to permit that, along with the information from the Manitoulin-Sudbury District Health Council—that is to say, their bylaw—being made available.

One can only conclude once again that there is something being covered up here. That's the only conclusion one can reach. It's not a difficult request to accede to, and that is to say: Give us the letter this person submitted when he applied for this position.

This seems to be, if not an illegal appointment, one which verges on illegal by virtue of the fact that it wasn't an appointment recommended by the district health council. Further, the district health council had several pieces of correspondence to the government, to the minister himself, indicating its disappointment in the types of appointments being made to its council by the government. A letter of April 15 refers to a prior letter of February 15 talking about appointments of people, none of whom were recommended by the district health council, as required by the process; great concern about compliance, of a failure to achieve compliance with its own bylaw by virtue of these appointments being made.

This is an entirely inappropriate appointment. You know, Chair, that I have oftentimes not only praised government appointments when they were capable people but I have expressed frustration at the fact that at times we see very competent people being brought to this committee for their half-hour period of questioning when it's in no way, shape or form necessary. This man is a pathetic opportunist. One has to question his motives for wanting to be on the district health council. He's a dolt and totally unimpressive. I submit that he will bring disgrace and disorder and discord to the Manitoulin-Sudbury District Health Council.

The status of health care is at an all-time high level of sensitivity here in the province, for a variety of reasons. People like Mr Poratto are not going to help us survive this very difficult period.

I can't speak for Mr Martin, of course, but I'm going to be opposing his appointment to the board in the interests of the people of the Manitoulin-Sudbury area, and I'm indicating now that there is a request for a recorded vote.

The Chair: Any members from the government side wish to speak?

Mr Bob Wood: I'm prepared to offer closing comments, but if other members want to speak I defer to them first. No member on the government side, I believe, wants to speak.

The Chair: Any further comments? We do have time, if you want to use it. Mr Wood is deferring his chance to speak until the opposition has been fully heard, if you want to make any comments. I'm not trying to drag them out of you, but if you want to.

Mr Tony Martin (Sault Ste Marie): I just want to go on record as supporting my colleagues on this side of the table. I don't have anything else to add except that I will be voting against this appointment as well.

Mr Bartolucci: Mr Chair, could I ask for a bit of direction in terms of process? I'm a rookie here and I don't know how this committee works or I don't know how appointments work, but I really feel strongly about this. I'm worried about this appointment, I really am, and I say that with all sincerity. This is not a good appointment, period, for a variety and a number of reasons, most of which I thought I outlined at the very beginning.

Is there a way for a further delay? I'm prepared to go to the minister and meet with him. I'm that concerned about health care services in Sudbury, and with the sensitivity of the level we're at right now, I don't want anything negative or anyone who may bring a negative tone to a structure that's already caused so much division in a region and in an area. If there's any way we could delay this again, I would do it, because I feel very strongly that this is not in the best interests of health care provision in the region of Sudbury, northeastern Ontario. I don't say that often. I'm not one who comes to the committee and yells and screams and demands that these people not be appointed. If they're competent and qualified, they should be appointed. The partisan nature of it is not relevant to me.

This one, the competency and what he brings to the DHC, disturbs me. It disturbs me because I know it's not going to be positive; I know there's going to be division. Our community—the region, the structuring, the process, the commission—really doesn't need this type of influence. I say that most sincerely.

I ask for some direction. I don't know. Someone mentioned a 14-day delay. Is that a possibility?

The Chair: There's nothing I can read in the standing orders that allows for more than a seven-day deferral. I don't think there is an opportunity for any further delay in the process, Mr Bartolucci.

Mr Bartolucci: If I were to appeal to the committee, is that—

The Chair: If there's unanimous agreement? The standing orders still say a seven-day deferral, so I think the committee really should deal with it today.

Mr Bartolucci: Mr Chair, I'm appealing—I don't know if it's legal, I don't know if it's in order, but I do know it's right. I feel strongly enough about this and enough members of the community feel strongly enough about this, that this is not an appointment that will enhance the process. I know, because I've talked to the minister, that the minister is concerned about the process in Sudbury and about a positive determination. If the members of the committee feel strongly enough as well, I would ask for a deferral of this.

Mr Bob Wood: Can I just ask the matter to be stood down for two minutes? I'm not asking for a caucus; I just want to pass a note down to see if we have unanimity on what we're going to do about this.

The Chair: Sure. We won't adjourn; we'll just wait for a minute.

Mr Bartolucci: Maybe while they're doing that I can talk about hospital restructuring.

The Chair: Why not?

Mr Bartolucci: While we're doing this, let me give you some history. There's not only a difficulty with the recommendations that have come forth, there's a difficulty with the implementation of those recommendations, there's a difficulty with the consensus of those recommendations, there are ongoing difficulties with each particular aspect of restructuring. It is clearly dividing the community, and the community wants direction. They want some type of plan that will enhance hospital services, health care services, but what they want is a clear, positive direction. That's not happening in the community now.

There are a lot of things I don't agree with in Bill 26, but when it comes to hospital restructuring in Sudbury, if it's not done appropriately and fairly, if it's not done with the broader issues of support, confidence and clear management in the system, it's going to be a disaster. In order to do that, all the partners must be involved, must work together. That hasn't happened. It won't happen with this particular appointee. It could happen with the quality of the appointees that have taken place before Mr Poratto's appointment.

I better stop, because I think everybody—

Mr Frank Sheehan (Lincoln): We got the message.

The Chair: I think we know what Mr Bartolucci's position is.

Mr John R. Baird (Nepean): Chair, is this the quality of appointments, which Mr Bartolucci's referring to, that you were talking about in question period the other day?

The Chair: This is true. But you notice I'm staying out of this debate. You're absolutely correct. I'm glad you follow that.

Mr Baird: I always follow you, sir.

The Chair: Yeah, yeah.

Mr Bob Wood: I guess we have to have unanimity to do this, and the reality is, we don't. We cannot give unanimous consent to your request, and therefore—

Mr Crozier: You can always vote against it, though.

Mr Bob Wood: When does it expire?

The Chair: The problem is that the standing orders say that after a seven-day deferral, then we must deal with the concurrence. That's the problem.

Mr Ted Chudleigh (Halton North): Mr Chairman, can you give us five minutes?

The Chair: Sure, if there's agreement, we'll give the government members five minutes. Why don't we take an actual break and shut off Hansard so you can have a short caucus? Just keep in mind the clock: five minutes.

The committee recessed from 1145 to 1150.

The Chair: I think we can get back to work.

Mr Bob Wood: We've had an opportunity to consider this and we do want to proceed with the vote today. We appreciate the comments offered by Mr Bartolucci, which have been carefully considered, not necessarily to an ultimate conclusion he might agree with. Another member from that area was kind enough to pass comment along as well, and that was passed along to the minister.

We see this gentleman as having community experience, business experience and, we felt, a good knowledge of the topic. We're satisfied to vote now and vote concurrence in the appointment.

The Chair: Concurrence has already been moved and debated, and there has been a request for a recorded vote, which is appropriate.

Ayes

Baird, Chudleigh, Doyle, Bert Johnson, Maves, Parker, Preston, Bob Wood.

Nays

Bartolucci, Crozier, Gravelle, Kormos, Martin.

The Chair: The motion for concurrence is carried. That's dealt with.

SUBCOMMITTEE REPORT

The Chair: Moving to the final item on the agenda, it's the report of the subcommittee on business dated Tuesday, April 30.

Mr Bob Wood: I'd like to move adoption of that report.

There's one amendment I do intend to propose, which I have discussed with Mr Crozier and Mr Martin. It appears that Mr O'Keefe cannot attend on the 29th, and from our discussion I gather there's some agreement to give Mr O'Keefe the option of attending on May 8 or May 15, and to amend the schedules accordingly. Presumably he'll be available on one of those two dates.

The Chair: Well, the 8th and the 15th are both could possibly do it on the 8th. No, we have two people.

Mr Bob Wood: We can do three, of course.

The Chair: We could try it on the 8th. The 15th is when we'd already made a commitment to the Manitoulin-Sudbury District Health Council for two hours. The 8th, which is next Wednesday, would actually be better. He hasn't informed the clerk that he's not available that day.

Mr Bob Wood: No. I got that from the minister's office. I can only report what I've heard. I've not spoken to him directly myself. I would move it be amended by inviting Mr O'Keefe to come on the 8th.

Mr Crozier: My colleague has raised a problem with that, in that there is a particular member of ours whom we'd like to have here the day he appears and there may be activity in our constituencies since it's the day following the budget. The 8th is not a good day. That hadn't come to mind before, Mr Wood. I apologize, because Mr Wood spoke to us beforehand.

Mr Martin: There is, another option, which is to extend 14 days beyond the 30 days. If the 8th is not doable and the 15th is not going to work, we can go an extra 14 days and have Mr O'Keefe in at a further date.

Mr Bob Wood: That's true. We would prefer to get this done within the 30 days if possible, which I think the 29th gets us just within.

Mr Michael Gravelle (Port Arthur): What's the problem with the 15th?

The Chair: We have the health council coming for two hours.

Mr Bob Wood: Unless we can deal with them in an hour and a half?

The Chair: I don't see general agreement on that.

Mr Bartolucci: An hour and a half would be fine.

Mr Bob Wood: Well, we have some agreement.

The Chair: Mr Raised Eyebrows?

Mr Martin: Sure.

Mr Bob Wood: We'll invite him in, then, for the 15th and reduce the health council to an hour and a half. We will take at least our third of the reduction.

The Chair: Any preference as to which you want to do first? Are we going to do Mr O'Keefe first?

Mr Bob Wood: I think that makes sense.

The Chair: Okay, but we need to start it on time and get right into it at 10.

Mr Bob Wood: Start it with whoever is here or whoever isn't.

The Chair: Is that agreed? Okay.

Mr Bob Wood: Thank you. I appreciate the cooperation of the members on that point.

The Chair: May I make a suggestion that next week, since Tuesday is budget day, we do not need a subcommittee meeting. You have the schedule laying out the next few weeks, and I don't think we need a subcommittee meeting.

Mr Bob Wood: The only thing we'd need it for is to designate whatever appointments are desired. I agree that that day is bad. I guess the Chair might be in a lockup, would he?

The Chair: I won't be, no.

Mr Bob Wood: As I understand it, we're going to have orders of the day and then the House is going to adjourn. I wonder if that's the time to do it.

The Chair: Some people will still be in the lockup.

Mr Crozier: It wouldn't be convenient for me. One of my colleagues can attend the subcommittee meeting; that's fine. I won't be able to.

Mr Bob Wood: The only thing I'm concerned with is keeping the appointments current.

The Chair: We can still meet at 1 o'clock. I'll be available. I don't know about you.

Mr Bob Wood: I don't have a problem with that.

The Chair: Tony, do you? Will you be in the lockup, or do you know?

Mr Martin: I've made a habit recently, without telling anybody, of being at home on days when budgets come down.

The Chair: Does the whip know this?

Mr Bob Wood: We won't tell him.

Mr Martin: You won't tell him, no, but Bert might.

The Chair: What about 1 o'clock on Monday? Is that agreed? Okay.

Mr Bob Wood: Have we dealt with the subcommittee report, by the way?

The Chair: As amended, yes. Is there a motion to accept it?

Mr Bob Wood: So moved.

The Chair: All in favour? None opposed. Carried.

Mr Crozier: Mr Chair, in keeping with the objectives of this committee, I thought I should mention that in the order in council of April 24, there was an appointment to the Township of Colchester South Police Services Board of a Joyce Anne Cherry. I just wanted to be on record as saying that this appointment fits all the non-partisan criteria of appointments, and I think that will be an excellent appointment.

The Chair: By non-partisan you mean she has no political affiliation whatsoever, right?

Interjection: She's strictly Liberal.

The Chair: That's right. Okay, we are adjourned.

The committee adjourned at 1159.

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**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Maves, Bart (Niagara Falls PC) for Mr Ford
Parker, John L. (York East / -Est PC) for Mr Fox
Baird, John R. (Nepean PC) for Mr Leadston
Doyle, Ed (Wentworth East / -Est PC) for Mr Newman
Chudleigh, Ted (Halton North / -Nord PC) for Mrs Ross

Also taking part / Autre participants et participantes:
Arnott, Ted (Wellington PC)

Clerk / Greffière: Tannis Manikel

Staff / Personnel: David Pond, research officer, Legislative Research Service

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Journal des débats (Hansard)

Mercredi 8 mai 1996

Toronto

Standing committee on government agencies

Comité permanent des organismes gouvernementaux

Intended appointments

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Chair: Floyd Laughren
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 8 May 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 8 mai 1996

The committee met at 1005 in room 228.

The Chair (Mr Floyd Laughren): The committee on government agencies will come to order. You have your agenda in front of you. The New Democrats are not here yet, but I think we should go ahead, because if we don't, we won't get through our business.

INTENDED APPOINTMENTS
RAYMOND KEMP

Review of intended appointment, selected by third party: Raymond Kemp, intended appointee as member, Deseronto Police Services Board.

The Chair: The first intended appointment is Mr Raymond Kemp. It's customary, Mr Kemp, to invite you if you wish to say a few words in opening. You're not required to, but you're welcome to, and then we split the conversations with you evenly among the three parties for 10 minutes each. Welcome to the committee. We're glad you're here.

Mr Raymond Kemp: I'd like to thank you for this interview and a chance to come. I've been a resident of Deseronto for 25 years with my wife, Patty, and two daughters. I've been involved in the Deseronto Pentecostal Church. I sat as deputy reeve in the town of Deseronto for six years and also was the chairman of the PUC board for 10 years. While on town council, I was chairman of the finance committee and streets committee and also sat and worked with the police committee.

Also, as a church, we run a local coffee shop. We try to get kids off the street; we have, on Thursday and Friday nights, between 40 and 50 kids that we bring in off the street and we play Crokinole and try to keep them hanging out. We play certain games with them and everything like that, and bring them in.

I also coach minor hockey and raise money for minor hockey. I'm a small business operator. I have owned a furniture store for the last 13 years. You can see from my community involvement that I am concerned and interested in what happens in the town of Deseronto.

The Chair: Can we begin the conversation with members of the government party.

Mr Gary L. Leadston (Kitchener-Wilmot): Mr Kemp, you were on the police committee in Deseronto and almost a lifelong resident there, 25 years, a lot of community involvement. What innovations would you see that the police services or the police force there could introduce into the community? For example, do they work with you in the teen drop-in centre? Are there initiatives like that in which they could perhaps be more involved in the community along with your expertise?

Mr Kemp: My wife also is involved in the parent-teachers at the school. I would just like to see more involvement. We could have a bicycle rodeo. I think the police need to be in touch with these kids, because today I find that young people are a generation going where the parents aren't really concerned about the kids and the kids are on the streets. We need to have a little more involvement with the police so they can relate to the police and are not afraid to talk to them in the community, and that's what I feel.

Mr Leadston: You'd look at areas like a bicycle rodeo.

Mr Kemp: Yes, and I try and get them involved in the drug programs at the school and different things like that so they can be involved more in the community.

Mr Leadston: Is there a local Lions Club there?

Mr Kemp: Yes, sir.

Mr Leadston: The Lions Club have a program called Lions Quest, and they will actually train individuals who then become trainers in the community in the areas of drug prevention and drug use. They will pick up the cost of that through Lions Quest — the headquarters is in Waterloo. I'd be more than happy to share that information with you later on to assist your community.

Mr Kemp: The mayor sits on the police services board with me and is a Lions Club member. He is the president.

Mr Leadston: He's probably more familiar with it than I am.

Mrs Lillian Ross (Hamilton West): I'd like to ask some questions about your involvement with youth and the program you talked about where you have kids coming. Is it a drop-in centre?

Mr Kemp: Yes.

Mrs Ross: You stated that there's about 50 or 60 kids that come to that?

Mr Kemp: It varies different nights. What we've tried to do this time is that we had so many young kids coming that we broke the age group up, and from nine to 11 years old they come in about 6 to 7:30, and we have the older ones come in from 8:30 till 11 o'clock.

Mrs Ross: What age groups are you talking about?

Mr Kemp: The young ones are young. We're talking seven, eight years old coming in off the street. They're just wandering the streets, little kids. It's unbelievable.

Mrs Ross: Do you find it's the same kids that keep coming week after week or does it grow, or what's happening?

Mr Kemp: The young ones — it varies. I find that sometimes we have different but pretty well the same. As a matter of fact, the lady who runs it has a coffee shop in the front. She teaches them how to read and reads Bible

stories to them and helps them out to read at school, because some of them at home don't have much home life so she encourages that to help them in that area.

Mrs Ross: Well, I commend you for that work, because an area we really have to focus some energy on is our youth and trying to promote different goals for them so they don't get involved in crime on the streets. I think that's a very worthwhile project.

I don't know anything about Deseronto. What sort of things are the challenges that face a town like that?

Mr Kemp: There's quite a few cultures live there. We have the Tyendinaga native reserve right on the edge of town there. They come into town quite a bit. I'm a real believer in the community. It's not a big community. It's 1,800 people and everybody knows everybody, I guess. Today, there's so much negative that when people need to think positive — we need to believe in what we live in, and things are going to change, you know. Like right now, we're on the police issue, but I think it's important that people get jobs and are working. We have a couple of factories that are closed, and I've kind of motivated that to see that we get that going. I think it's good that the people have a good relationship with police. Children need to know they can go talk to a policeman and there's not going to be, like, scarefully, that he can help them out if they're alone because of the way society is today.

Mrs Ross: Yes, sure. Great. I agree with you. As a matter of fact, I just came from somewhere where my talk was about negativity and changing the attitude of people to be more hopeful about the future.

That's all the questions I have. Thanks very much.

Mr Bob Wood (London South): We'll reserve the balance of time.

The Chair: Thank you, Mr Wood. You have about four minutes left. The official opposition; Mr Bartolucci.

Mr Rick Bartolucci (Sudbury): A couple of questions. Being a former police commissioner, I ask these questions all the time, because I think they're important. You were a deputy reeve so you have a good working relationship with your town council?

Mr Kemp: Yes, very much. I probably see the mayor every three or four days. He comes to visit me to ask me questions.

Mr Bartolucci: The mayor supports your nomination here?

Mr Kemp: Yes.

Mr Bartolucci: Okay, let's deal with budgeting. Do you know what the budget is for the police force?

Mr Kemp: How much it is? I really don't know now because I'm not in that position on the police service board. That was when I was on council, which was two years ago. No, I really wouldn't want to —

Mr Bartolucci: You've obviously spent a considerable amount of time with police officers etc. How do the police officers view the complaint process that's in operation right now with regard to the public filing complaints against them?

Mr Kemp: First of all, from my little bit of encounter with the police service board, they have the right to come there with us and make known at the police service board their complaint. I feel that's a good idea, because what happens is, there are always people being open with one another, with the police department, like exactly where they stand. The constable has a right to stand up for what he thinks, and the person there — of course you get pettiness, but it's one on one, and the person gets the chance to speak. That gives the public a chance, if they have a concern about a policeman or the police department, to hear their beef.

Mr Bartolucci: Do you know that that's not the process that's in place now for lodging complaints?

Mr Kemp: I'm not quite sure what it is now, because I haven't been on council for a couple of years. I'd rather not —

Mr Bartolucci: Okay. What will be the makeup of the board? Are you familiar with the makeup of the board?

Mr Kemp: The mayor sits on there for council, they have one representative, and there are two appointees. Right now, the lady who's chairman is Cathy Vick.

Mr Bartolucci: And it's obviously funded through municipal council, through town council. They approve your budget.

Mr Kemp: Yes.

Mr Bartolucci: This was a problem in Sudbury and that's why I ask the question to everyone. Will there be a problem establishing a budget that is satisfactory to town council when you people, as appointees, have the majority on the police services board?

Mr Kemp: I don't think so. I figure with my council experience I know there's not a lot of money, and it can work both ways, okay? That's the way.

Mr Bartolucci: I always worry about this, and I'll ask the question: You've never been charged under the Criminal Code or anything like that?

Mr Kemp: No, I have no criminal record.

Mr Bartolucci: Would you like to expand on that?

Mr Kemp: Not really. I was just acquitted on an incident there a few years ago. I was a councillor and I was acquitted on —

Mr Bartolucci: I'll pass to Mr Crozier.

Mr Bruce Crozier (Essex South): Sir, your answer seems rather tentative, so I want to be very to the point and I want to clear up what may be a misunderstanding. We have information that you were charged for carrying an illegal firearm in your car and that you were found guilty. Is that incorrect?

Mr Kemp: I'll clarify that. You haven't got the story quite correct. I'll tell you the story, now that you're into that.

I was down at a Ducks Unlimited banquet when I was a councillor, because it was recommended to me as a businessman I should make an appearance at these. I'm not a hunter or nothing. So I go down to the banquet in Napanee. They have a bunch of tickets. A friend of mine buys some tickets. He said, "I'll buy you some tickets." My name came up as a winner and I won a gun, a shotgun.

At the end of the banquet we headed for home with the shotgun in the back of the car. I didn't know. I get home and I went up and told the wife, "Gee, I can't win a 6/49, but at the Ducks Unlimited banquet tonight I won a gun." My wife said to me, "I hope you're not going to keep that in the house." I said, "Oh, no, no, I'll take it up tomorrow morning and give it to Dad so he can hang it on the wall," because my dad has guns on his wall.

What happened was, the next morning I was on my way up to Dad's and I was so excited to see a couple of friends of mine alongside the street, because in a little community everybody knows everybody. I said, "Jeez, I was at this meeting last night and won a gun." So the boys looked at the gun.

What happened was when I got up to court the judge said to me, "How many times have you been at a Ducks Unlimited banquet, Mr Kemp?" I said, "Once in my life." He said: "This sounds like a political thing. Mr Kemp, I'm going to tell you something. I've been there 10 times and never won nothing in my life. You go one night and you win a gun. So I'm going to give you a conditional discharge from that and you can't own a firearm for 12 months."

So it wasn't that I was charged with it in the back of my car; I was charged with no FAC.

Mr Crozier: But you were found guilty?

Mr Kemp: No, I was not. I got a conditional discharge, sir.

Mr Crozier: Okay. Well, it would have been helpful if you would have told us the whole story.

Would it surprise you to know, or do you know, that your appointment received cabinet approval on March 20, but was withdrawn on March 29 and then resubmitted? Were you aware of that?

Mr Kemp: No.

Mr Crozier: So you can't tell me whether that's correct or not?

Mr Kemp: I don't know.

Mr Crozier: You said that the mayor supported your appointment.

Mr Kemp: Yes.

Mr Crozier: Would it surprise you to know that we have information that the mayor did not support your appointment?

Mr Kemp: I think at first he didn't because of me being an ex-councillor, but after he came over to visit me last Saturday, he did after that, sir.

Mr Crozier: Why would he have had reservations at the outset?

Mr Kemp: It's just that we were on council and I did budgeting and things for policing. At that point he just felt that it wouldn't be good if an ex-councillor was on the police commission.

Mr Crozier: Do you have a very successful shotgun sale at your furniture store each year?

Mr Kemp: I sure did.

Mr Crozier: So how do you feel about gun control?

Mr Kemp: The whole thing was, to be honest with you, if Ducks Unlimited would have ever told me that you had to have an FAC — I don't like gun control. It made me feel bad and I felt very guilty about it, but if somebody at Ducks Unlimited would have told me that you had to have an FAC to take a gun out, if they would have even asked me, I would have said, "I'll leave the gun here," and got my brother-in-law or somebody to take it home. I had no knowledge that you had to have an FAC —

Mr Crozier: You have this shotgun sale at your store each year, but you don't own any guns?

Mr Kemp: No.

Mr Crozier: So what's your interest there? Purely economic?

1020

Mr Kemp: I'm going to tell you a little story; I'll make it quick. You're asking questions. After my time there, when I went to get the lawyer, to pay the lawyer, the lawyer said: "Mr Kemp, this is going to cost you a $500 retainer fee today for this little incident. If you want to recover your money, I'd go home and have a shotgun sale. Buy yourself a yellow sign, rent a yellow sign, put on there, 'We aim to please you,' 'No FAC required' and 'Come on in.'" I did exactly as he said to retain my $500. End of subject.

Mr Gerry Martiniuk (Cambridge): Good lawyer.

Mr Crozier: You should be an interesting addition to the police services board in Deseronto.

Mr Bartolucci: Coming armed has a new meaning.

Mr Crozier: I guess I've got the wrong people here to question. I really should be questioning the Premier as to why in the world he would ever appoint you. You've got a rather unique outlook and background on all this.

Mr Bartolucci: Have you talked to your member of provincial Parliament, and does he support your getting the appointment? No, you haven't talked to the member?

Mr Kemp: No. I'm acquainted with the member.

Mr Tony Martin (Sault Ste Marie): Certainly the issue of policing and crime is of tremendous concern to the people of Ontario. The government we have in place expressed some interest in it to get elected and have said some things since then to indicate that they have a high regard, although in yesterday's budget, by way of the dollars being flowed to policing, we may begin to pick up another message in the not-too-distant future.

First of all, how did you go about getting appointed to this position?

Mr Kemp: There was an ad in the paper and I applied. It was in the weekly guide.

Mr Martin: You didn't talk to anybody about it?

Mr Kemp: No.

Mr Martin: Why were you interested in the police commission?

Mr Kemp: I've just been involved in my community and council and that, and I was interested in keeping involved with some committee. I had a little experience while sitting on the police committee on council, so I applied for the job.

Mr Martin: You just applied for the job?

Mr Kemp: Yes.

Mr Martin: Did you have any other involvement in policing of any sort to that point, any connections with organizations that had an interest, Crime Stoppers, Neighbourhood Watch or anything like that?

Mr Kemp: No. We don't have a Crime Stoppers where I live, sir.

Mr Martin: And you didn't start one.

Interjection.

Mr Martin: Your interest in being on the police commission wasn't in any way piqued by this run-in you had with the law over the charge on the gun?

Mr Kemp: No.

Mr Martin: You mentioned in your answer to my colleagues in the Liberal caucus that this may have been a political thing. What did you mean by that?

Mr Kemp: Well, we were doing budget. I don't really know. See, you never really knew what happened, how it got out or how I got charged, because when I got to court, there was never anybody there to testify against us.

Mr Martin: Do you harbour any resentment with regard to —

Mr Kemp: No, no. I can't harbour. I don't know who even pressed the charges. I have no idea to this day.

Mr Martin: Can you assure us that this little incident will not in any way colour decisions you might make re policing in your community?

Mr Kemp: I am not that kind of fellow, sir. I am not that kind of fellow to think that way.

Mr Martin: What is your position on gun control?

Mr Kemp: What do you mean, "gun control"?

Mr Martin: The legislation that was passed by the federal government that now we as a province are asked to administer. What's your position on that?

Mr Kemp: I'm in favour of gun control. I don't think people — I'm in favour of gun control.

Mr Martin: And yet you hold a sale of guns out of your furniture store once a year.

Mr Kemp: No, I don't hold it once a year. That was a one-time deal after the court case. I don't want to get rude or anything to you, but Leon's have a Santa Claus sale at Christmastime. They have a ho, ho, ho sale, and that's business, it's trying to create traffic.

Mr Bartolucci: It doesn't have 12-gauge shotguns.

Mr Martin: You'll accept that selling toys to children is a little different than selling guns.

Mr Kemp: You can buy play machine guns too. That was suggested to me by the lawyer and that's what I just went home and did. It was not done intentionally.

Mr Martin: Yet your father has this collection of guns, you say, and that doesn't in any way taint your position re the whole question of gun control.

Mr Kemp: No. My dad has them on the wall. He doesn't even hunt now. He's 70 years old. He just has them.

Mr Martin: What's your position re the question of, for example, women in the police force?

Mr Kemp: We have a lady on the police force who is just coming back to work who lost her leg in a motorcycle accident. I have no problem with women on the police force, none whatsoever.

Mr Martin: What's your understanding and position on the whole question of community policing?

Mr Kemp: The most important thing is having a relationship with the police department, that people in the community have a relationship with the police department, that they can feel comfortable and communicate with them and talk to them and things like that. I feel that needs to be dealt with more in a small community where 1,800 people know everybody.

Mr Martin: What's your position on law and order? Where do you stand re that question?

Mr Kemp: What do you mean "law and order"? They should abide by the law of the country, yes. Is that what you mean?

Mr Martin: Yes, and how would you, as a member of the police commission, maintain that in your community? What would be the principles that you would —

Mr Kemp: First thing, they do now really support and try to get the message out about impaired driving and drug-related incidents. I feel we need to get more out, maybe a few more things out like that. The community needs to know more and more. We do that now through Daniel's Coffee Den down the street. We try to get kids in there and relate to them that you're able to talk to a policeman if you want to communicate with them. You don't have to be afraid of them, different things like that.

Mr Martin: What's your political affiliation?

Mr Kemp: I don't think that has anything to do with this appointment.

Mr Martin: You're not going to share it with us?

Mr Kemp: That's my own personal business. I don't feel I have to share that.

Mr Martin: Your political affiliation is something you're embarrassed about?

Mr Kemp: No, I'm not embarrassed.

Mr Martin: Then why wouldn't you want to share it with us here today?

Mr Kemp: Can I ask you a question?

Mr Martin: Sure. What's my political affiliation? I'm a New Democrat.

Mr Kemp: If I were a New Democrat today, would you want me to answer if Gary Fox or Gary Leadston here spoke to me and asked me what party I was with?

Mr Martin: Absolutely. There's nothing wrong with belonging to a political party in Ontario today, and sometimes it's just helpful to know.

Mr Kemp: I'll tell you my beliefs, as you asked me.

Mr Martin: Actually, Mr Chair, the question was what was his political affiliation.

The Chair: I think he's about to answer you.

Mr Martin: Is he?

The Chair: By the way, just to put your mind a bit at ease, it's not an unusual question for witnesses before this committee.

1030

Mr Kemp: How be I say I vote for the man I feel is best qualified to do the job.

Mr Bartolucci: And you voted for Gary. There's nothing wrong with that. Why don't you say it? Just say, "I'm a Tory." That's all you have to say.

Mr Kemp: But I'm not saying I'm a Tory. I said to you I vote for the best man that's qualified to do the job. That could be the Reform, that could be the NDP. That could even be your party.

Mr Martin: Are you a card-carrying member of any political party?

Mr Kemp: Yes, I'm a card member with the Liberal Party, I'm a card member with the Conservatives. I am a card member of both parties, yes.

Mr Martin: According to the constitution of our party, you can't be —

Mr Bartolucci: According to the constitution of our party, as well.

Mr Martin: — you can't be a member of another party. if you're being cute here, this is —

Mr Kemp: I'm not being cute.

Mr Martin: Well, you are. Are you having a problem with somebody admitting to the fact that he belongs to the Tory party, that he's a card-carrying member of the Tory party? Is that your problem?

Mr Kemp: Again, sir, I explained it to you. I'm a card — when my member —

Mr Martin: You're a card-carrying member of the Tory party.

Mr Kemp: With the Liberal Party too. In the federal election, I helped the member down there run for the federal election. So again I'm saying to you, I vote for the man I feel is best qualified to do the job.

Mr Martin: It's often simpler if you just tell us what we want to hear, because if you don't, we can assume all kinds of things. From your answer here, you're obviously embarrassed about your political affiliation. That leads one to ask the question, did your political affiliation have anything to do with your being appointed to this position?

Mr Kemp: No, it wasn't, but I felt — okay, I'll answer the question. I thought Mr Fox was the best-qualified man at the position, so I helped Mr Fox run for the position.

Mr Martin: There's obviously nothing to be gained with any more questioning.

Mr Bob Wood: I have a few questions.

The Chair: Yes, the government party has four minutes left.

Mr Bob Wood: We wish to use at least part of that. I want to get entirely clear on this shotgun sale, Mr Kemp. Were you selling furniture at this shotgun sale or were you selling firearms?

Mr Kemp: I was selling furniture, sir.

Mr Bob Wood: There were no firearms sold at this shotgun sale?

Mr Kemp: No, no, no.

Mr Bob Wood: Okay. Did you fully disclose the matter of the criminal charge that you faced to the Solicitor General's office when you applied for this?

Mr Kemp: Yes, sir, I did.

Mr Bob Wood: So they understood all of this up front?

Mr Kemp: Yes, sir. Yes, sir, I did.

Mr Bob Wood: As I understand it, when this matter came before the court, the court did not convict you.

Mr Kemp: No.

Mr Bob Wood: They did not feel this offence was worthy of a criminal record being ascribed to you.

Mr Kemp: No. I got a conditional discharge, sir, and I couldn't own a firearm for 12 months.

Mr Bob Wood: So you were never convicted of any criminal offence?

Mr Kemp: No, sir.

Mr Bob Wood: You never had any criminal record?

Mr Kemp: No, sir.

Mr Bob Wood: Did you fully comply with the conditions imposed upon you by the court?

Mr Kemp: Yes, sir.

Mr Bob Wood: Have you had any problems with the law since that time?

Mr Kemp: No, sir.

Mr Toby Barrett (Norfolk): I just wanted to go back to an earlier question, challenges that the police services board in Deseronto might be facing. It's a real small town. How big is the police force? I just wonder, how can the town afford it and what kind of problems may there be down the road, given that money could be tight in the future?

Mr Kemp: Since we're on the question, we have a four-constable and one-chief police department. Every other community around us has gone OPP — Napanee, Picton areas. It is a tight budget we have. When I was on council it was a very tight budget because it took about one third of our income we had there, but hopefully — I was impressed yesterday by the Solicitor General's comment that we see more areas start paying for policing, where it's more equalized out. If we see that taking place, it'll take the burden off the small town.

The Chair: Mr Kemp, thank you for coming before the committee.

JOHN HOLLINGSWORTH

Review of intended appointment, selected by third party: John Hollingsworth, intended appointee as member, Drug Quality and Therapeutics Committee.

The Chair: The second intended appointment is a Sudbury physician, Dr John Hollingsworth. Dr Hollingsworth, welcome. If you wish to say anything to kick it off, go ahead.

Dr John Hollingsworth: Thank you very much, Mr Chairman. I do have a brief few words to say before questions begin. I hope my ride is a little less bumpy than the last participant's. That's the first thing. And I hope there's a seatbelt on this seat.

It is indeed an honour to be invited down for a review in front of such a senior group of politicians. Many of you may know me, and for those who don't, my name is Dr Jack Hollingsworth. I'm a specialist in internal medicine, and I'm also qualified in gastroenterology. My special interest over the last decade has been related to pharmacology and issues related to drug therapy.

I recently finished a study concerning Heparin therapy in Sudbury that was published in the Archives of Internal Medicine, which is a prestigious American journal. As you may see from my curriculum vitae, which I hope has been forwarded to you, one of my major interests has been the effective use of medications, both in the hospital and at home for patients. In cooperation with local pharmacists and nursing services and hospitals, we in Sudbury have organized a very effective home intravenous program for antibiotics and steroids and saved a lot of money on inpatient hospital stays.

I have sat on the pharmacy and therapeutics committee of the three local hospitals in Sudbury over the last eight years. I've been chairman several times of these committees and I've been on two of the committees much of the time.

I'm also a member of the drugs and pharmacotherapy committee of the Ontario Medical Association, and I'm heavily involved, in my commitment to that committee, in trying to improve the usage of drugs and at the same time reduce drug expenditures as much as possible while preserving excellent patient care.

My major interest in sitting on the DQTC stems from my general interest in drug usage in Ontario and concern that there is no northern physician membership on the DQTC, and also that gastroenterology has not been well represented on the DQTC recently.

I'm concerned that the majority of new chemical entities, or novel drugs, made by the brand-name pharma-

ceutical companies don't make it on to the benefit formulary, despite passing the rigorous testing of the health protection branch federally. Some of these drugs might be useful to the citizens of Ontario, and I would wish to further assist in maximizing the citizens' access to new breakthrough medications.

My most recent submission concerning drugs was to the Bill 26 hearings of the standing committee in Sudbury, and I've brought a copy of my comments to that committee for your perusal. I'm sure these can be made available to the clerk of the committee.

I'll be happy to answer any questions to the best of my ability, and I thank you very much for inviting me down to this review process.

The Chair: Do the government members have any questions or comments?

Mr Leadston: Dr Hollingsworth, is your residence in Ottawa or is it in Sudbury?

Dr Hollingsworth: Sudbury.

Mr Leadston: I certainly commend you, particularly for your spirit of public interest, to have a willingness to serve in this capacity. I have a very strong comfort level reading your résumé and knowing your background and your professional expertise. The residents of this province are going to be the beneficiaries of that knowledge and expertise. You have quite an interest in the area of research. Do you plan to continue in that area, and if so, in what specific field of endeavour?

Dr Hollingsworth: My main interest is in pharmacology and the efficient use of drugs. We have several things we're looking at at the moment. One thing we're interested in is drug interactions in the elderly. It's been a hot topic in the last few years in Canada and in Ontario and Quebec. The concern is that patients may be on a lot of drugs, and we can perhaps trim the drugs, trim the interactions and trim the drug budget, and then bring in new chemical entities, novel drugs that might be better. My main interest is cost-benefit.

1040

Mr Leadston: When you're into that type of research and prove there's an interaction of this drug and that drug in the aging population, how do you get that information to the other physicians and other institutions in the world, to say, "Don't mix A with B, because this will result"? Do you use the new age of technology, the Internet and the Web and systems like that?

Dr Hollingsworth: First of all, you try to get published in a peer review journal; people know then that it's a reputable paper, it's been well researched, it's accurate, it's honest. You hope to reach a certain audience that way. The other way we use is giving talks and updates to family doctors and hospital pharmacists etc. We don't have a Web site at the moment, but that's something we probably will look at in the future.

We also want, hopefully, to expand our pharmacy services so people can call in and get advice, kind of a drug hotline. That's another thing we're looking at.

Mr Leadston: I see. Maybe that's an area where the committee may want to have a Web site or a 1-800 drug line.

Dr Hollingsworth: For example, the cost of publishing the formulary — and the formulary is just a list of drugs covered by this plan at the moment — is quite expensive, and a lot of physicians chuck it when they get it. They have so many other things, this much mail each day. Being available on a Web site is a cheaper alternative.

Mr Leadston: And the printing cost for the guide, when the information will change almost daily or weekly — what is in there today is outdated tomorrow.

Dr Hollingsworth: That's right.

Mr Leadston: I really commend you for your interest and willingness to serve our citizens and our province. Thank you very much for coming this morning.

Mr Gary Fox (Prince Edward-Lennox-South Hastings): How does your professional experience provide you with the expertise to review drug manufacturers' submissions to the committee?

Dr Hollingsworth: There are two parts to your question, really. If you divide up the manufacturing side and the drug itself, the manufacturing side is largely going to be taken care of by HPB, which is a federal regulating agency. We know by the time it gets to DQTC that this is a clean drug, it's gone through rigorous testing and should be available to the public; on the basis of toxicity it's okay.

Then we look at the other issues related to drugs, for example, cost-benefit. That's where I've spent a lot of my last 10 years, looking at things like that and trying to figure out the best drug, the cheapest use of the widest selection of drugs. I think I have something to offer the committee in that regard. And there is no person who's specializing in gastroenterology on that committee — it's largely unrepresented — so again I may offer something unique to the committee. Some of the papers I've published in the past, you can see from my CV, are related to the use of drugs and would be the kind of papers these companies would submit to the DQTC, trying to say their drug is good and supporting their product. Having published some of these papers, I think I can critique them accurately with some experience.

Mr Fox: Is this also done on a federal basis?

Dr Hollingsworth: This is the whole problem: duplication and tiers of government, trying to trim costs. The powers that be behind the DQTC know this, and I think there will be a lot more cooperation between this committee that I'm applying for and the health protection branch. The manufacturing side should be really a federal issue: Is this a safe manufacturing process? Is it a pure chemical? Is it not toxic? That will be really federal. The issue for us is, can Ontario afford this new compound for its citizens, and under what constraints? That's the issue the DQTC will look at. There is some duplication, but it is going to be minimized.

Mrs Ross: Thanks for coming. I see by your curriculum vitae that you've spent a lot of time in Hamilton, which is where I'm from.

One of the complaints I hear a lot is that it takes so long to get a drug approved. Would you agree with that comment?

Dr Hollingsworth: Yes. The PMAC is the proprietary drug representative organization, the big brand-name drug companies. They have their own body called PMAC, and they have written to the DQTC and to the Ministry of Health complaining about the process. This is part of the

streamlining that I think is going to occur. In other words, they go through developing a drug, spend about $250 million proving it's effective and not toxic, then they present all their studies to HPB, which is federal, then they have to go through the whole process again with the provincial formularies. I think the plan in Ontario will be to take some of that burden off the companies and to cooperate more with HPB. HPB does an excellent job of making sure the drugs we're using in Canada are safe. We're really concerned about the best value for the dollar for the citizens.

Mrs Ross: So you think that would be an area you'd be interested in working at?

Dr Hollingsworth: Yes. That would be some contribution I could make, probably.

The Chair: We move to the official opposition.

Mr Bartolucci: Jack, I won't ask you what your party affiliation is because we discussed that on the plane, and we're not supposed to ask those types of questions around here. But let me tell you that a red sign would look nicer than a blue sign on your graphs.

I don't know why Dr Hollingsworth is here. He is a very respected, a very hardworking and a very component individual, one who contributes in large measure to ensuring that the community is a much better place because of his presence in the region and in the city of Sudbury. You know how I'll be voting on your appointment.

But let me ask one question. You know how vitally concerned we are with the north and for the north, and I know how vitally concerned you are for the north as well. How will your presence on the board enhance health care in the north?

Dr Hollingsworth: That's a very good question. The person who was on from the north before me was a pharmacist called Ken Burns from the Sudbury area. I spoke to him about this very issue, because that was one of the reasons I want to get on this committee.

I think the north is a separate entity in many ways. We have a different population mix. We have a lot of people over 65. We have a lot of smokers, a lot of heart disease. We have 80% of the geography of Ontario and only 9% of the population, so the scatter is huge and the physician distribution is about 50% of what it is down south. We have unique problems that really are — not misunderstood, but sometimes poorly portrayed, and their importance isn't heightened enough on some of these government agencies. I think I can bring that perspective, just as my previous colleague did, from the north.

Mr Michael A. Brown (Algoma-Manitoulin): I share the comments of the member for Sudbury. Jack, we've known each other for quite a while and I've been in Sudbury on numerous occasions when you were advocating for various improvements in the health care system there.

I was in Sudbury for the Bill 26 hearings. One of the things I didn't understand — probably should have, but did not — is that certain drugs on the formulary you can prescribe for certain ailments but not for others. Could you help me with that? You were quite candid in your assessment of how you got around that particular problem, but could you tell the committee a little about that?

Dr Hollingsworth: There are two ways of going around what the formulary says you can prescribe. The easiest one is a special authorization form; in other words, if you come into my office and you have, for example, severe hiatus hernia problems — reflux, terrible heartburn, ulcerations, strictures, you can't swallow — I can prescribe a medication called Losec or Omeprazole, and I can fill in a form. It's a fairly easy process for the physician, and that is a fairly routine thing that's happening.

Then there's a section 8. Section 8 is more rigorous. It involves the physician making a submission to the DQTC. That submission is then reviewed. Some of the committee members usually will review it and they'll take off so many things to review. It might involve a physician saying that Yohimbine is a drug that's used for impotence and applying for that, or something that's unusual, that's not run of the mill.

There are two ways around the constraints of the formulary, and that's one of the important things, is to have a safety valve, because prior to Omeprazole or Losec, we had patients who developed strictures, who couldn't swallow, who were hospitalized for bleeding regularly, who cost the system a lot of money. We now can get around that.

1050

Mr Michael Brown: I guess the question, though, is from the perspective of the governing body. Do you wish to encourage physicians to find, other than section 8s, ways around the formulary, around your guidelines, or should you not have guidelines that are appropriate in the first place?

Dr Hollingsworth: Every guideline is made with the intention of maximizing the benefit for the population. The problem comes in the exceptions to the rule — people who have unusual conditions or unusual severity. These two ways I outlined of going around the formulary appear to be appropriate. When I talked about Bill 26, I recommended they continue this process and not make it a very difficult one.

One of the fears I had was that the special authorization forms, the SA forms, would become like section 8. Section 8 is a major procedure for a physician to go through. It's a lot of time. It's time you can't see patients and you can't work. You have to spend the time making the submission. There's no compensation for that. Clearly, there's a disincentive. The SA is a form you fill in in two minutes, and it's fairly routine, but it does involve filling in a form.

Mr Michael Brown: I know most constituency politicians would be aware of the difficulty sometimes with section 8s, where we have sometimes both physicians and patients calling our offices saying: "Can you speed them up? Can you get them to deal with that particular form?"

I think it's a fine appointment and certainly I concur.

Mr Martin: I can't help but concur with my colleagues that your résumé is quite impressive and that there's no question as to your qualifications, but I just wanted to follow another line of questioning rather than waiting till the end, as I did with the last one. Mr Bartolucci inferred around your political affiliation. Are you a

card-carrying member of the Progressive Conservative Party?

Dr Hollingsworth: I was hoping I wouldn't have to put on my seatbelt. Let me give you some history: When I was in Ireland, my dad was a labour organizer and he had a lot of ties with the Labour Party in Ireland, the equivalent of your party, the NDP. My politics at that time were of the same ilk. When I came here, I really wasn't committed to any political party.

It's only in the last probably year and a half, two years, that I have decided to become involved in politics and see that as a means to — at this particular time, I believe we need a Conservative government because of the economic problems the province has. We're spending more on interest payments than we are on many of the important issues we should be spending money on — education and health and those things. I became concerned about politics in the last few years and I have become involved in politics.

But I think to castigate me as a card-carrying member and Tory for life, and a hack, is really inaccurate and doesn't relate to my appointment to the committee. I don't want to get into a dialogue about this, but I make no secret of my politics. They're not relevant to the current hearing. I'm not out to make the DQTC some kind of Conservative Senate or something; I'm there to make a contribution.

Mr Martin: But you are at this point in time a Conservative?

Dr Hollingsworth: Yes.

Mr Martin: When I dropped the news on my father, who comes from Ireland as well — as a matter of fact, I do too; I was 12 when I came to this country — that I was seeking the nomination for the New Democratic Party, his immediate response was, "Jesus, Mary and Joseph, son, you're always backing a loser." But the important thing is that I'm very proudly a social democrat and a member of the New Democratic Party in Ontario and act accordingly.

It's with your affiliation in mind that I ask you the next question, and maybe you've already answered it. Do you support the direction this government is going in re health care and what it is proposing as a way of solving some of the challenges we face as a province, particularly in northern Ontario?

Dr Hollingsworth: That's a very good question. You have to ask how it relates to the issue of pharmacy and pharmacology to the citizens of Ontario. I'll try to answer as best I can. The government, no matter which government — I've had many conversations with Floyd Laughren, and we haven't always agreed on everything, I can tell you that. Sometimes I've felt he hasn't listened and he's felt that I haven't listened, but we have been very frank, and I respect Floyd and all the politicians here as leaders of the community and people who have a unique vantage point.

The problem with health care — and everybody would agree on this — is the budgetary constraints; the money is not there to give the service we want to give to the public. How do you divide up what's left and how do you pay for the kind of care we believe Ontarians need? These are huge questions. Each successive health minister inherits tremendous expectations, declining budgets and a very difficult situation. I don't agree with everything that's been proposed, but I certainly think we have to trim our budgets to meet what we have in terms of revenues. I agree with that philosophy.

Mr Martin: You would probably agree with me that if somebody is sick, he should get what's required to make him better.

Dr Hollingsworth: Absolutely.

Mr Martin: I've had a significant number of meetings with the president of the academy of medicine in my area, Janice Willett, who suggests to me that the direction this government is going in, whether it's in providing medicine, which comes directly under the jurisdiction of the body you're being appointed to here, or whether it's access to hospitals or whatever, we're coming very close to a rationing of that. How do you feel about that? How do you feel about the possibility that you as doctors, and perhaps you as a member of this organization, may become the so-called gatekeeper?

Dr Hollingsworth: To paraphrase your question, what you're asking me really is, how do I feel about giving the health care the government can afford? It's a very difficult situation to be in. But I still believe our primary duty is to the public of Ontario and our patients, and we have to do our best in a difficult situation. Clearly there will be some light at the end of the tunnel. It may take till 2001, I'm told by the media, but things have to get better eventually. If we live within our budget, and the debt, as a percentage of the amount of money we're paying, goes down with inflation and with growth in the GDP, eventually the amount of money we're paying in interest will not nearly equal that which we're spending on education or half of what we spend on health. That's the time things will improve. But we can't spend more than we have, and we have to do our best.

Mr Martin: It seems to me that when we were government, and certainly the Chair will understand this, we were trying to do some things. We initiated a number of initiatives and certainly had some very interesting discussion with the OMA, and I believe the Chair with you, about some of our initiatives. At the end of the day, I guess it comes down to a question of whether we can afford not to make sure that people are getting what they need, whether it's by way of drugs or service.

Right now we're looking at the question of copayment for drugs, particularly for seniors and people the provincial government assists with that kind of thing, and the impact that might have on some people. If it came to a discussion at this level around the question of further rationing the availability of the best of medical care re drugs out there, what would your position be? Would it be to support fighting the deficit, which has now been put off until into the next century, or would it be in support of making sure we had the best that was possible for the people of Ontario?

1100

Dr Hollingsworth: You ask me to be Solomon. This is a very difficult question. I come back to the fact that if we borrow $10 billion this year, we have to pay $500 million to $1 billion next year in interest on it.

Mr Martin: Is there anything, though, that's sacred, that you have to get the money to provide because people are sick, for example?

Dr Hollingsworth: You know the difficulties Ruth Grier had when she was health minister, and the Liberals here know the difficulty Elinor Caplan had, and the Conservatives can certainly tell you that Jim Wilson is very concerned about health care and rationing. All those ministers did their best. None of them set out to damage the patients or the economy. There's a balance, and always in life you come back to the balance.

From your particular vantage point, I understand you're concerned primarily about the patient, but if you don't have a healthy economy, then you cannot provide the care that you want to provide. Ultimately, if we borrow now to provide extra care, we have to pay the interest and the debt back in the future. I don't see that as a solution.

I do think we're doing our best. We're spending a lot of money on drugs for AIDS; we're looking at women's issues as carefully as we can; we're doing our best to be responsive to the needs of the people of Ontario under the fiscal constraints we have.

Mr Martin: You said in your answer that if we don't have a healthy economy, we can't — I suggest to you that if we don't have healthy people, getting a healthy economy is going to be much more difficult. It's a sort of chicken-and-egg scenario we have here, but if it came down to it in terms of your appointment to this body and supporting the government in rationing versus making sure we had the very best that was available for the people of Sudbury and Sault Ste Marie and Ontario, what would be your position?

Dr Hollingsworth: The same position that your administration and every administration before this has had is that formularies are a form of rationing, no matter how you cut it. The majority of new drugs don't get on to the Ontario Drug Benefit Formulary, and didn't when the NDP was in power. We have to live within the constraints of the money available. I'm happy to provide the best care I can. When the government tells me how much money's available, I'm happy to work as hard as I can to set up reasonable guidelines and include as many new drugs as I can. I'm not talking about "me too" drugs, drugs that are just copies of ones on the market; I'm talking about drugs that have something new to bring to the market. I want to see those drugs on the formulary, more of them, and I want to see us use the money as efficiently as we can. It's a matter of striking a balance.

The Chair: I'm sorry, we're out of time. Dr Hollingsworth, I'm sure I speak for the committee when I say we appreciate your attendance here. I don't want to be presumptuous, but I'm sure the majority of the committee welcomes your appointment.

Dr Hollingsworth: Thank you for a very smooth ride.

Mr Bartolucci: It's good to note that he's a Sudbury appointee who wasn't hindered by an electronic device that was in the left ear. He could hear all the questions from all three parties.

Mr Bob Wood: It is obvious proof that health care is improving in Sudbury.

The Chair: The next item of business before the committee is the debate for concurrence of the two intended appointments we've had this morning. I would entertain a motion for concurrence.

Mr Martin: I move deferral on concurrence on the first person we dealt with, Mr Kemp, for a week.

The Chair: That's deferred. This is a seven-day deferral you're talking about? The one that's deferred, that's a given, right, for seven days? Okay.

Mr Bob Wood: I would like to move concurrence in the appointment of Dr Hollingsworth. I would echo the comments that have been made by others. He's obviously a highly qualified appointment. I think he'll do a lot of good work on the drug quality committee.

Mr Martin: I'm going to vote concurrence too in that he's obviously a very qualified person, but I want to put on the record my concern that this government is continually appointing more and more people who support their program of cuts and rationing. It worries me that at the end of the day, when these bodies which are supposed to be at arm's length begin to make decisions asked of them by this government around the question of whether we can afford to continue to provide the best of care as opposed to limiting that care because we have budgetary constraints, more and more they will not come down on the side of some of what I consider to be sacred entitlements to the people of this province that we have all worked very hard for and to make sure are in place. I become increasingly more concerned around this table as more and more appointees are placed on boards to make sure the agenda of this government is carried out as opposed to making sure the best of service and care is being provided to the people of this province.

Mr Bartolucci: I concur with the nomination. He certainly is very well qualified, and I think in his answers he outlines the importance of balance, the importance of fairness and the importance of justice. Those are excellent Liberal models we live by. I think he may be a closet Liberal. We'll work on that over the course of the next couple of years. This man brings all kinds of expertise, knowledge and justice to this appointment.

The Chair: Don't hold your breath on the former comment.

I think the Chair detects unanimous concurrence and support for Mr Woods's motion of concurrence. That's done.

SUBCOMMITTEE REPORT

The Chair: The next item of business is the report of the subcommittee dated two days ago, Monday 6 May.

Mr Bob Wood: I move adoption.

The Chair: You've heard the motion to accept this. Just so you know, the request was for an extension of 14 days for Mr Lowry because he couldn't attend on other days. Is there any comment or question or debate on this? It's carried. Thank you.

The next item has to do with the final report on the Social Assistance Review Board. I think all members have had this. This is a closed session because we're dealing with a report which may or may not be accepted in its present form.

The committee continued in closed session at 1108.

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Vice-Chair / Vice-Président: Martin, Tony (Sault Ste Marie ND)
*Bartolucci, Rick (Sudbury L)
*Crozier, Bruce (Essex South / -Sud L)
*Ford, Douglas B. (Etobicoke-Humber PC)
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**In attendance / présents*

Substitutions present / Membres remplaçants présents:
Ramsay, David (Timiskaming K) for Mr Gravelle
Martiniuk, Gerry (Cambridge PC) for Mr Newman
Barrett, Toby (Norfolk PC) for Mr Preston

Also taking part / Autre participants et participantes:
Brown, Michael A.

Clerk / Greffière: Tannis Manikel

Staff / Personnel: David Pond, research officer, Legislative Research Service

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Agency review

Intended appointment

Chair: Floyd Laughren
Clerk: Tannis Manikel

Comité permanent des organismes gouvernementaux

Examen des organismes gouvernementaux

Nomination prévue

Président : Floyd Laughren
Greffière : Tannis Manikel

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 15 May 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 15 mai 1996

The committee met at 1005 in room 228.

The Chair (Mr Floyd Laughren): We have a number of items before us this morning. First is the review of the operations of the Manitoulin-Sudbury District Health Council, followed by review of an intended appointment and a motion for concurrence in one appointment and then a report of the subcommittee.

AGENCY REVIEW

MANITOULIN-SUDBURY DISTRICT HEALTH COUNCIL

The Chair: Let us proceed forthwith to the Manitoulin-Sudbury District Health Council. With us this morning are Bob Knight, who's the executive director, and Ken Ferguson, who's the chair of the Manitoulin-Sudbury District Health Council. There also is in the room Jeff Wilbee, who's a member of the Association of District Health Councils of Ontario, in case there are questions that go beyond the Manitoulin-Sudbury District Health Council. Let us begin. Did you wish to make some opening remarks, Mr Ferguson?

Mr Ken Ferguson: Yes, thank you. Mr Laughren, other committee members, good morning. My name is Ken Ferguson. I'm the chair of the Manitoulin-Sudbury District Health Council. With me today, as the Chair has indicated, is our executive director, Bob Knight. We appreciate this opportunity to meet with the standing committee to discuss our agency.

I will begin with a brief overview of district health councils in general. I will then provide some background on our own agency and describe for you some current issues facing our council. Generally speaking, the theme of my remarks will be the question, what does the future hold for district health councils?

District health councils are volunteer boards. Members are appointed by the Lieutenant Governor on the advice of our Minister of Health. The minister's authority for establishing councils and appointing their members is in the Ministry of Health Act. The first council was formed back in 1974. Today, there are 33 district health councils and every part of Ontario falls within a planning boundary of one of these councils.

The mandate of the DHCs is described in subsection 8.1(4) of the Ministry of Health Act:

"8.1(4)(a) to advise the minister on health needs and other health matters in the council's geographic area;

"(b) to make recommendations on the allocation of resources to meet health needs in the council's geographic area;

"(c) to make plans for the development and implementation of a balanced and integrated health care system in the council's geographic area; and

"(d) to perform any other duties assigned to it under this or any other act or by the minister."

Our district health council was established in 1976. We serve the districts of Manitoulin and Sudbury, which have a combined population of about 200,000 people.

As is the case with all councils, our organization has been committed to providing the best possible advice to the ministers of health of over the years. We fully understand the role and the power of the provincial government in establishing and implementing health policy. At the same time, we believe communities have a strong and legitimate interest in the development of local health services and programs in the identification of local health priorities, all within the context established by the provincial government. The kind of planning carried out by DHCs is important so that provincial policy can be implemented successfully at the local level and in a way that is sensitive to local needs and circumstances.

On page 28 of our package you will find a list of our publications, which will give you an idea of the scope of our work over the years.

The 33 DHCs across Ontario engage thousands of volunteers in their work. These volunteers generally are dedicated to a reformed health system that preserves the quality of and access to health services in Ontario.

The large majority of DHC members across Ontario want to ensure the continuation of the neutral, objective role for DHCs in health planning until such time as councils may be replaced by another model for this province. To successfully fulfil that role, councils endeavour to ensure that there is a balance of perspectives from across the communities they serve.

It is also important that people serving on councils do not represent specific groups or organizations, as this would detract from the neutrality and objectivity of councils' decisions. The presence of constituency representatives on a council would give the impression that the council is dominated by vested interests. No particular interest group should have a position of privilege as compared to other community groups through having a seat on a district health council.

A number of factors seem to be converging to influence the future of councils.

The current Minister of Health, the Honourable Jim Wilson, has stated that DHCs will return to their original role of being the eyes, ears and conscience of the community. It is not yet clear how this statement might modify or define differently the DHC mandate.

Undoubtedly, the way councils function will be significantly affected by the financial restraint measures undertaken by the provincial government. Councils, if

they continue to exist, face financial cutbacks, the same as other public sector organizations, over the next several years. In response to these cutbacks, district health councils are now examining options for working together more effectively than in the past.

It may be that the review of agencies, boards and commissions being headed by Mr Bob Wood will have a significant impact on DHCs.

There have been various recommendations from a number of sources, such as health care organizations, academic organizations and district health councils themselves, about a different way of planning and managing the health system.

All these factors point to significant change on the horizon for DHCs and raise some fundamental questions about our future. Will the Minister of Health continue to keep the DHC system with some restructuring, or will a brand-new kind of model be introduced in Ontario? Hopefully this will become clear in the next 12 to 24 months.

Some recent events with respect to council appointments are causing DHC volunteers and staff to have deep concerns about the impact on their organizations. Some of our members share these concerns. To be specific, appointments are being made to some councils without those councils having had the opportunity for involvement in the recruitment process. I will refer here to our own recent experience because it is the clearest example of the politicization of district health councils that seems to be under way.

There have been eight recent appointments to our council. None of these people was recruited or recommended by the council. There appears to be a one-issue agenda among the new appointees, that being hospital restructuring in Sudbury. All eight appointees appear to be of a single mind about what should happen with hospital restructuring. All eight appear to be supportive of the position of one health care organization in our community. All eight apparently seem to be well briefed by persons not related to our council. There appears to be limited interest among the new appointees in our health system reform planning projects. There appears to be an agenda among the eight new members to "clean up the council's house."

This has serious ramifications for the future of DHCs if they are to remain a part of the landscape in Ontario's health care system.

The undermining of the order-in-council appointment process, and in particular the DHC role in recruitment, creates a perceived conflict of interest and undermines the neutral objective role of councils in health planning.

The balance of perspectives on the council is disrupted.

It appears as though the minister lacks confidence in his local advisers to recruit non-partisan and objective new members.

People perceive damage to the accountability councils have to their communities.

The decision-making function of our council has been seriously disrupted.

Appointees who have not had the benefit of going through our recruitment process are joining council without knowing fully the magnitude of the commitment they have made. Because they have not experienced the face-to-face interview with experienced council members, they are not properly advised of the workload of a council member before taking their seat.

Experienced members of council feel the DHC appointment process is being corrupted in order to manufacture a false consensus on hospital restructuring issues on our council.

Experienced members also feel that the new appointments seem punitive, that it is being punished for giving advice to the minister who has challenged the status quo with respect to hospital governance.

I refer to our letter to Mr Wilson dated November 22, 1995, on page 52 of the package we have provided to you, and also our presentation to the standing committee on general governance made in January with respect to Bill 26.

It is our council's position that in Sudbury a hospital governance solution should precede major clinical program restructuring in the hospital sector. In our Bill 26 presentation, we took the position that denominational and non-denominational hospitals should be treated equally by the Health Services Restructuring Commission in major restructuring projects.

These positions appear to have so challenged certain people that our agency is being completely transformed through the appointment process.

To conclude my remarks, the neutral and objective planning and advisory role of DHCs is at risk. The continuation of appointments in a political vein with little regard to the traditional recruitment process followed until recently by DHCs and ministers of health will mean an end to the traditional role of DHCs and convert them into nothing but political instruments of the government.

Thank you for listening. We would be pleased to answer any questions you may have at this time.

The Chair: Thank you, Mr Ferguson. We have about an hour and 10 minutes, I think until about 11:30. I would propose, if members wish to use the time equally, that we do it that way unless one party decides not to use the time. Can we start with the government members, please.

Mr Bob Wood (London South): I'd like to start the questioning. I'd like to go through the history of this to make sure I have the facts right, Mr Ferguson. My understanding is that funding was approved for this study of restructuring in April 1993. Am I right in saying that?

Mr Ferguson: That's correct.

Mr Bob Wood: I gather that in April 1995 your council gave a report that indicated it felt the sole governance issue was the first step in restructuring.

Mr Ferguson: That's correct.

Mr Bob Wood: I have copies of this correspondence, so I would be glad to give you copies of any of it if you have to refer to it. I understand that on August 8, 1995, the Ministry of Health wrote and indicated that it supported you in certain specific areas and that the changes should proceed but it felt that the governance issue should be done at the end of the other issues.

Mr Ferguson: I believe that's right. I'm not sure of the date. I believe it was probably referred to as

"concurrently" — the governance and restructuring — in that letter.

Mr Bob Wood: We have the letter if you want to review it. I might say, and I don't want to get hung up on this point, on August 17 the ministry wrote you and said it didn't reject sole governance. Do you recall them having indicated that to you?

Mr Ferguson: They didn't reject sole governance?

Mr Bob Wood: They indicated to you on August 17, 1995, in a letter that they didn't reject sole governance. Do you recall them having indicated that position to you in August of last year?

Mr Ferguson: That was not, as I understand, indicated to us.

Mr Bob Wood: Perhaps I should give you a copy of the letter and you can read the letter and see what it says.

Mr Ferguson: Who is it addressed to, sir?

Mr Bob Wood: It was addressed to Mr Ronald Marr, executive director, Catholic Health Association of Ontario, if I've got the right letter here myself.

Mr Ferguson: Thank you. It wasn't to us, I understand.

Mr Bob Wood: That never came to your attention?

Mr Ferguson: It was copied to us later, yes.

1020

Mr Bob Wood: It did come to your attention. Maybe I can read this to you. This may refresh your memory. If not, we'll give you a copy of this. This is the letter of August 17 to Mr Marr from Gabrielle Monaghan of the Ministry of Health.

"The ministry has not rejected the notion of sole governance for Sudbury. Rather, it has indicated that many positive changes can occur independently of the deliberations on governance. The ministry acknowledges that deliberations on governance may require a great deal of time and that necessary improvements in the efficiency and quality of hospital services can move forward immediately, independently of such deliberations."

I gather you received a copy of this letter.

Mr Ferguson: Yes.

Mr Bob Wood: I understand that on October 4, 1995, the Ministry of Health wrote and advised you that they wanted a consultative model of governance. Do you recall having received that message?

Mr Ferguson: What was the word?

Mr Bob Wood: A consultative model of governance. Do you recall being made aware of that in October of last year?

Mr Ferguson: Yes.

Mr Bob Wood: In the Sudbury Star of October 7, 1995, it said: "DHC spokespersons" — referring to your DHC — "acknowledged they were aware that the minister had already indicated his opposition to any sole governance model not acceptable to Sudbury General Hospital." No doubt you are aware that was in the Sudbury Star?

Mr Ferguson: I believe I got a copy of it, yes.

Mr Bob Wood: Was that report in fact accurate? Obviously it was, because you were aware of it.

Mr Ferguson: I believe it was.

Mr Bob Wood: In January 1996, as I understand it, the Ministry of Health accepted the program service recommendations of your DHC and requested implementation.

Mr Ferguson: Requested the DHC to implement it?

Mr Bob Wood: Yes.

Mr Ferguson: What date?

Mr Bob Wood: In January of this year.

Mr Ferguson: I believe it wasn't in January.

Mr Bob Wood: When do you think it was?

Mr Ferguson: Who was the letter addressed to again, please?

Mr Bob Wood: I don't know whether I have a letter to support that or not, but we'll see. Apparently it was from Mr Andrew Szende. You do or don't recall having been advised of that position?

Mr Ferguson: Was the letter to the Laurentian board and to the Sudbury Memorial board?

Mr Bob Wood: Unfortunately, I don't seem to have a copy of the letter, so I'm afraid I can't — apparently it was from Mr Szende. I don't have a copy of it, unless we can produce one.

Mr Ferguson: I believe there was a letter that went to those two facilities.

The Chair: Excuse me, he is with the Ministry of Health? He's the assistant deputy minister, is he?

Mr Bob Wood: That's my understanding, yes.

Interjection: Do you know of the letter?

Mr Ferguson: We saw a letter to those boards, yes.

Mr Bob Wood: Did you take a conclusion different from what I said a couple of minutes ago from that letter? What did you think? Did you think the ministry was saying something different than what I thought they were saying?

Mr Ferguson: No.

Mr Bob Wood: So you accept that the message I thought you got was the message you thought you got.

Mr Ferguson: From the ministry.

Mr Michael A. Brown (Algoma-Manitoulin): Mr Chair, on a point of order: The opposition seems to be at a great disadvantage here in that Mr Wood is listing off quite a number of letters and information that we are not privy to. I wonder if the opposition could have the same information the government members appear to be using, just so we can understand.

Mr Bob Wood: I have no problem other than the fact that I've only got one copy of these and I need them. I think as soon as I finish my questioning, or at least when we have a break in the questioning, I'd be happy to give them to any members who want copies.

Mr Michael Brown: We would appreciate that. It's just for our information.

The Chair: If you give them to the clerk, we can get those copied.

Mr Bob Wood: Yes. I think I'm through with the letters anyway right now, but just in case I'm not, I want to hold on to them until I finish my questions.

In the Sudbury Star of January 6, 1996, you were quoted as saying you noted that "Mr Wilson did not support the council's proposal" — that being re the sole governance — "and indicated that the DHC would not continue to press the concept on the minister as this was inappropriate for an advisory body such as the DHC." Did you see that story in the Sudbury Star?

Mr Ferguson: Yes indeed. I made those comments, sir. Would you like them expanded on?

Mr Bob Wood: No. We'll get to that in a minute. I was interested that today, in the submission on page 5, you have said at the bottom of the page, "It is our council's position that, in Sudbury, a hospital governance solution should precede major clinical program restructuring in the hospital sector."

Mr Ferguson: Yes.

Mr Bob Wood: You understand, and have understood for some months, that the minister doesn't agree with that.

Mr Ferguson: Yes, that's true.

Mr Bob Wood: I gather you've changed your mind since January of this year in continuing to press the minister on something you know he has rejected?

Mr Ferguson: On the contrary, sir. In January we'd already issued our stand and our recommendations and, being an advisory body, my comments were in the order that we get on with business, because we'd already advised and we'd turned it to the community for its direction. If they wanted to pursue sole governance, that was in their court. Our role as an advisory body was to get on with our work. We're not a lobbying agency as such with the minister, I guess, after the fact.

Our belief is that sole governance is the key to the restructuring of hospital services in Sudbury. Our position hasn't changed, but our action, our role carries on as a planning body.

Mr Bob Wood: I'm a little surprised, when you said what you said in January, you would then come to a legislative committee in May and try and press the same position. Why will you not accept the minister's position that he doesn't agree with that?

Mr Ferguson: We're not pressing the position. We're stating what we believe to be the best advice that we are able to give to the minister of the day, and as such, sir, with all due respect, that's what we're doing. We're not lobbying here today. We're here to state where we stand. In January we said we'd completed our role in making that recommendation. However, while we made that recommendation and we want to get on with other issues, because our work is not static — it's ongoing, and we need to concentrate our energies and efforts on those other items. Having said that, we still recommend that position. It hasn't been turned or dropped, as it were, so I can reiterate without any qualms that is the position at this time.

Mr Bob Wood: I think some of us who are just new to this situation would see that as an example of poor judgement and naïveté on the part of the district health council — they can't get a message from the minister. I would have to share with you that some of us think that's part of the problem here.

Mr Peter Kormos (Welland-Thorold): Poor judgement and what?

Mr Bob Wood: And naïveté. I know Mr Kormos doesn't like long words, but I like to put the odd one in just to keep him awake.

Mr Kormos: Could have been a dialect problem.

Mr Bob Wood: You're from southern Ontario too, so you could explain that later.

Is the health council working with all hospitals in the Sudbury area now on the restructuring?

Mr Ferguson: I think it's going to the restructuring commission, or it's sitting with it, to take on the task. We've done our part as such. We're willing and able, but at this point it's understood that the hospital restructuring commission is taking on that role. Is that not your impression?

Mr Bob Wood: Well, it's your impression we're interested in at the moment. Are you working with anyone right at the moment or have you simply withdrawn from this issue for the time being?

Mr Ferguson: We're sitting waiting to be a player in it, but at this point I don't think we're actively —

Mr Bob Wood: Are you prepared to work with all hospitals in the area, regardless of their position on the governance issue?

Mr Ferguson: As a planning body, that's our role, yes, advisory body.

Mr Bob Wood: Do you have any perception as to why the minister rejected your position on sole governance? Would you be inclined to think that was because he thought it was bad advice?

Mr Ferguson: I guess I can't comment on that. That was his decision.

1030

Mr Bob Wood: You've given no thought as to why the minister rejected your advice? You don't think that was significant and something you should think about?

Mr Ferguson: It's something to think about, yes.

Mr Bob Wood: What conclusions have you drawn so far about that?

Mr Ferguson: I've concluded that's the way he wanted to go and that's the route he's taking.

Mr Bob Wood: Did you have any perception as to why he would do that? Would you not think it was because he thought it was bad advice?

Mr Ferguson: I guess I can't comment on that issue.

Mr Bob Wood: You've given no thought to that issue?

Mr Ferguson: What he thinks is good for the Sudbury basin and what we believe is the best advice, there's a difference.

Mr Bob Wood: He thought you gave him bad advice.

Mr Ferguson: That's your interpretation of it.

Mr Bob Wood: I'm asking what yours is. Do you not agree with that? Why do you think he rejected it?

Mr Michael Brown: Are we going to allow the continual badgering of the witness, Mr Chair?

Mr Bob Wood: I think I'm entitled to ask the questions and I'm entitled to an answer from the witness, who hasn't given one yet.

Mr Ferguson: I did give you an answer, sir. I believe it was his decision and whether he considered it good or bad, that's I guess with him.

Mr Bob Wood: You don't think it's important for you to consider why your advice was rejected?

Mr Ferguson: I think we did a lot of soul-searching when we were making our recommendations and we believe it to be the best advice we had, and that's where we stood and where we stand yet.

Mr Bob Wood: Do you have any perception of what position the people you recommended to the minister had on the issue of sole governance?

Mr Ferguson: I'm sorry, come again?

Mr Bob Wood: Do you have any idea where the people you recommended to the minister for appointment stood on sole governance?

Mr Ferguson: Not really, no.

Mr Bob Wood: You never discussed that with any of them?

Mr Ferguson: No.

Mr Bob Wood: Okay. Now, you rightly pointed out in your submission that the minister has the final decision on who's appointed to these councils.

Mr Ferguson: That's correct.

Mr Bob Wood: Do you think that's a good law or do you think that law should be changed?

Mr Ferguson: As long as it's his DHC, it's his call, yes. I think it has —

Mr Bob Wood: So you have no problem with the provincial laws as now drafted?

Mr Ferguson: That's right.

Mr Bob Wood: You may not have thought about this either, but let me ask you and see if you have. Do you think an advisory council can continue to give advice to the minister that he rejects and not expect changes in the composition of the council?

Mr Ferguson: I believe that should be possible. Given that we're giving advice, that doesn't mean the minister of the day has to abide by it, but it is our advice and what we see as in the best interests of our area and the province.

Mr Bob Wood: If you had someone advising you and you rejected their advice, you'd continue with them as an adviser?

Mr Ferguson: I'd have to think about that.

Mr Bob Wood: Yes, I would think you would too. To clarify this whole issue of how these appointments are done — and I'm sharing this with you just so you folks are aware of what my thinking is, and I'm of course only one of 130 MPPs here — I think the minister is going to consider advice from the district health councils. I think he's going to then appoint those who support the government's agenda and in whom he has confidence. He's elected by the people and he's accountable to the Legislature and the people. I think that's how it's going to work. I hope today that you'll get some useful thoughts on how you might make your council more effective.

Those are my questions. We'll reserve the balance of our time.

Mr Ferguson: Thank you, Mr Wood.

The Chair: Okay. The government party has used 16 minutes so far. Do you want to move on and then come back?

Mr Bob Wood: We'll reserve the rest of our time.

The Chair: Okay. Can we move to the official opposition, please?

Mr Rick Bartolucci (Sudbury): I'll start. Bob, Ken, welcome. We'll try to phrase our questions in such a way as there's as much knowledge exchanged so that the government members can see some of the complexities with which we visit on a daily basis in Sudbury, in the region, with regard to hospital restructuring.

I want to start off with the method of appointments. I'd like in a capsulized way for you to explain to the committee what the process is in Sudbury, adopted by a consensus of the council that this was the fairest way to go, with regard to the interviewing or the screening process for appointments. Having said that, I'll come back and talk a little bit about the recent appointments in a very general way. So, first, could you just outline what the process is very quickly, so that these people on the government side understand there is a process.

Mr Ferguson: Briefly, it is a process that was developed in coordination and consultation with the Minister of Health of the day and approved by the Minister of Health, the policy and method of selecting council members.

It begins by a vacancy within the council. That vacancy is advertised in local papers, as a rule. It's stated whether it's a consumer or a provider that is needed to sit on council, and people are invited to apply. The applications come in, and after a period of time the applications are short-listed by the nominating committee of council, who then decide to interview and choose those they would like to interview.

From there, the ones who provide a favourable interview and so on then are recommended to council at an open meeting and council then gets to recommend names to put forward to the minister. For every position that needs to be filled at the council table, two names have been submitted to the minister with the recommendation of district health council for appointment to that board.

From there, it goes through the various offices down here. I'm not too familiar with the offices down here, but I believe it goes to the minister, and the minister decides on his choice. It is referred to a committee — I believe it's this committee here — that looks at those names and those people and decides to interview them or not and, further, to recommend them for signing by the Lieutenant Governor as an order in council. After they have achieved an order in council, they become a bona fide member of that particular district health council that they were selected for.

Mr Bartolucci: In response to one of Mr Wood's questions, because I wouldn't want anyone here to feel that those who support the government agenda would be excluded from their names being presented by the DHC screening committee, in fact that could happen, could it not?

Mr Ferguson: Yes. I might add that those candidates the ministry or minister or other related organizations refer to the minister for appointment to the board which bypass the normal route — normally those names would come back to the district health council for a review as a courtesy. In these cases they did not.

Mr Bartolucci: Good. Maybe we can talk about the recent appointments now to the DHC. I know there are different sectors that our DHC requires be represented. How are these recent appointments either reflective or not reflective of the different sectors? You might want to outline that first of all.

Mr Ferguson: Reflective of the positions that were open?

Mr Bartolucci: Yes.

Mr Ferguson: At the outset there didn't seem to be a correlation with what we needed in the vacancies as they were specified, consumer, provider, language orientation or other. It's coming closer now with the latter appointees, but it did not seem to follow our guidelines.

Mr Bartolucci: I guess what I'm asking is, do you feel that the new appointees can contribute to this particular DHC's mandate, given the complexities of the issues found in the Sudbury region?

1040

Mr Ferguson: I believe they can, but at the same time we need to get up to speed, because they are very new at the health council table and broad experience or broad information absorption takes a while. It will take a little while for that to happen.

Mr Bartolucci: Maybe you can outline how you feel they can contribute most positively to the process. Let me explain to you, because you probably aren't aware, that I was very, very critical of a particular appointee to the DHC and argued rather strenuously that this particular person shouldn't be appointed. There were several that I concurred with because I think they are good appointees, but I felt that one wasn't and argued against it.

In a very general way, because I don't want to get involved in personalities, what do you feel are the characteristics that are most essential for a DHC appointee to have, given the complex situation in Sudbury? How do you feel the new appointees can fulfil your expectations of them?

Mr Ferguson: The first point would be that I'd like to see them be neutral and objective in caring and being interested in the betterment of health care services in the districts of Manitoulin and Sudbury particularly. That would be my main goal. Any other aspect, other than fitting the ethnic sectors that make up our population, linguistic and so on, I'd like to see those areas of the spectrum fairly well covered. In broad strokes, that's what I'd like to see.

Mr Bartolucci: There has been already some press that is disturbing in the Sudbury region with regard to the DHCs. By and large, do you feel the board that in its present makeup — we have some more appointments to make, but presently —

The Chair: The council.

Mr Bartolucci: The council, I should say. I'm sorry. Do you think the council can get along and be a productive group as it sits right now?

Mr Ferguson: There is quite a divergence of opinion. It's going to be difficult.

Mr Bartolucci: Let's deal with a little bit about the hospital servicing review report etc, without getting into particulars because it becomes very complex. Since it was completed, what's your council done to try to facilitate some of the patient care improvements that were contained in the report, and how do you focus on the hospital services or the health services report as a council?

Mr Ferguson: We participated in the work group that was active early in the year, gave our point of view and our feelings in that arena. We stand ready to advise on other issues as they come up. Currently we're reviewing the hospital operating plans as part of the restructuring in Sudbury. Those are a couple of them. We're also involved in other studies around health care in the Sudbury basin, the Manitoulin-Sudbury area. We touch it in a lot of ways and advise as we find that we can give advice.

Mr Bartolucci: The Chair will know that the DHC and I differ fundamentally on sole governance etc, denominational, non-denominational, hospital structures etc. That's given, but there's been dialogue; a very productive dialogue, I suggest.

Because you fundamentally differ from the minister's position and the ministry's position, how do you feel you reconcile the two points of view to bring a positive resolution to the dilemma we have in Sudbury?

Mr Ferguson: How do we reconcile our two points of view? With some difficulty, as you can imagine. We've given what we believe is the best advice. I'm not sure we want to give second-best advice.

Whatever the minister decides to implement, we will help facilitate and plan to do and advise on that, but at the same time our cornerstone to restructuring has been the model of sole governance as being the best for health care.

It initially doesn't appear to save a lot of dollars as a method of going, but in the long run health care planning and health care services won't have in-fighting, won't have structural problems as such. You decide where you want a program; it'll be there. There won't be any vying for that space or campaigns which cost money and time and probably delay programs interminably. Sole governance avoids all that. The only thing you have to do is find the money to do things.

Mr Bartolucci: Yes, that's a dilemma. The minister has established a Health Services Restructuring Commission. We all know that. How do you see your role fitting into the commission's mandate?

Mr Ferguson: I believe we will still be planner and advisory in function and purpose to them, albeit we'll be directed through the ministry on what role we play.

Mr Bartolucci: If you had your druthers, would you like Sudbury to be a high priority for the Health Services Restructuring Commission or a lower priority for the restructuring commission to visit Sudbury for implementation purposes? If you had your choice, would you rather it be a very high priority for the commission or something other than a high priority?

Mr Ferguson: I'd say high priority actually, given that the further down the road we go, the tougher it's going to be.

Mr Bartolucci: Have you made the minister aware of that, that you feel, as a DHC, the restructuring commission should visit Sudbury as quickly as possible?

Mr Ferguson: Not as the DHC. That was my comment, but I get that impression.

Mr Bartolucci: As a DHC, though —

Mr Ferguson: They haven't made that determination yet.

Mr Bartolucci: Could you give the committee an idea about the attitude of the committee, given that it has new components attached to it and that it is a new DHC, by

and large? Do you think that would be a recommendation coming from a meeting very soon, that Sudbury be placed very high on the commission's agenda?

Mr Ferguson: I'm sorry, but I can't give you a good feeling for that at this time.

Mr Bartolucci: It's still pretty new with the new board. I can understand that and appreciate that.

I'm going to pass to Mike. I'll come back.

Mr Michael Brown: Welcome. I really appreciate the trouble you've gone to come from God's country down here today. As members might know, Ken is a prominent resident of the district of Manitoulin and it must be troublesome to come to the big city on a fine day like today.

What I would like to ask you about is a question that Mr Wood asked, only I'm going to ask in another way. Did the Minister of Health give you reasons why he decided that sole governance was a bad idea? Mr Wood seemed to say, "Why do you think he did it?" What I want to know is, what did the minister tell you?

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Mr Ferguson: The only indication I can recall is that he suggested it would take a long time to implement sole governance.

Mr Michael Brown: The Minister of Health, in responding to you, did not give you reasons by way of correspondence that (a), (b), (c), (d), these are the reasons we do not believe sole governance to be an option?

Mr Ferguson: He also indicated that he wanted it to be a voluntary process. He mentioned the length of time, and I think that's basic to it.

Mr Michael Brown: There is a letter around or correspondence or something around that would outline the minister's particular reasons for rejecting the advice?

Mr Ferguson: Yes.

Mr Michael Brown: I think that's a fair question to ask.

Mr Ferguson: The October 4 letter back to us is the indication of that.

Mr Michael Brown: I'm troubled by what I'm hearing today, and the issue is not really as important as what I'm hearing today: that a local health council, a body that is there to give advice, has rendered advice the minister didn't like. The minister has said, "I don't like that advice so I'm rejecting it," which is fair enough. I don't see a problem with that.

What I see a problem with is that if a community board that is ostensibly, as I understand your mandate, to reflect the views of the community and then has to be restructured by the minister so that it reflects the minister's view and not necessarily the community's view, then, "The heck with the community; we will change the view of the community by changing the people who are on it." That's what I think you're saying today: "If you don't give the advice the minister wants to hear, then to heck with you. It's not just that we reject the advice, but we will change the board."

Mr Ferguson: Thanks, Mike. That's the indication your colleague gave us earlier on and that's the feeling we have, that if we don't give advice the minister wants to hear, then, "We'll change the advisory voice to accommodate."

Over the years that the district health council has been in operation, this is I think the first the minister has not accepted and went by the advice of district health councils.

Mr Michael Brown: How long has this appointment process that you described earlier been in place?

Mr Ferguson: Very early in the life of a DHC, but I'm not certain of the date.

Mr Michael Brown: Would it be fair to say the process you outlined has been in place for 10 to 15 years?

Mr Ferguson: That long, if not longer.

Mr Michael Brown: Therefore, it was not partisan in the Liberal, Conservative, New Democratic sort of process, that the ministers of health had appointed people regardless of their political affiliation? As a matter of fact that wasn't a real consideration?

Mr Ferguson: As I understand it, in the past there have been some political appointees, but by and large, the process was used to find and recruit new members to councils.

Mr Michael Brown: As an opposition member, I'm obliged to ask this question of you: Do you belong to one of the provincial political parties?

Mr Ferguson: I'm not paid up, but yes.

Mr Michael Brown: Which political party would that be? I think the government members might be interested in this.

Mr Ferguson: I do belong to the PCs.

Mr Michael Brown: Yes. As a matter of fact you're a rather well-known Progressive Conservative in the constituency of Algoma-Manitoulin.

Mr Ferguson: Yes.

The Chair: How well known?

Mr Michael Brown: Fairly well known. Mr Ferguson, for your information, carried the blue standard in 1990. I'm just trying to suggest to the government that certainly I believe Ken's a good appointment. He's an example of somebody who was obviously appointed by governments that weren't terribly interested in what political stripe they were.

I'm interested in some of the other issues. I think the question here is, how can a board that is structured so that the minister only gets the advice he wants to hear affect major issues other than hospital restructuring in our area? For example, what advice did you give or were you asked for before the government decided to implement CCACs, the community-based home support programs?

Mr Ferguson: What advice did they give to us?

Mr Michael Brown: What advice were you asked for before they announced this was the direction they were going?

Mr Ferguson: I don't recall a request for any advice. My colleague says we didn't get any advice, and I can't recall any. I just questioned Bob and he doesn't recall any advice.

Mr Michael Brown: Just so I understand this, the government moved with this initiative unilaterally without asking for community advice.

Mr Ferguson: That's my understanding.

Mr Kormos: Thank you for this correspondence. I'm looking at this October 4, 1995, correspondence from Jim

Wilson. I can understand that he, like every other minister, doesn't sit down and dictate these letters. These are handed down to mere functionaries and then the minister sits down at his leisure, in the back of his car or sometimes when he's in the House doing House duty, just signs these things and hopes that nobody screwed up in drafting them.

Mr Ferguson: I'd like to know him better, but I don't know.

Mr Kormos: On October 4, 1995, on the second page — have you got a copy of that?

Mr Ferguson: Yes, I do.

Mr Kormos: "Although you are aware of my government's position on governance, I would like to reiterate that an acceptable model of governance will respect religious and linguistic roles," etc. Then he goes on to say, "It is not this government's intention to undermine local discussion on governance." I trust that latter statement gave you some relief, knowing that the minister had no intention of undermining your role — I'm speaking of you collectively as the district health council — in discussing issues of governance.

Mr Ferguson: That's correct.

Mr Kormos: In contrast to a condemnation of what you had been doing, that's something of a green light, isn't it?

Mr Ferguson: It was a green light, yes.

Mr Kormos: In terms of your board — I'm looking at the bylaw here that talks about the makeup of the board, that there shall be at least one member from each of the four respective areas.

Mr Ferguson: I believe so.

Mr Kormos: I trust that the current makeup of the board provides for at least one.

Mr Ferguson: Yes.

Mr Kormos: Are these areas equally represented?

Mr Ferguson: Currently, Sudbury east is represented by a municipal sector representative. Albeit the lady is not a municipally elected person, she's appointed by their municipal association. Manitoulin has appointed me as a representative. However, Sudbury west, which takes in Espanola, is vacant, and Sudbury north, which takes in the community of Chapleau, is vacant as well.

Mr Kormos: You've written to the minister on two occasions, February 1996 and April 1996, both on the 15th of those respective months, and you expressed concern about the process of appointments to the council.

Mr Ferguson: That's correct.

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Mr Kormos: Was this a personal concern or was it one that was shared by the members of the district health council?

Mr Ferguson: The district health council's executive expressed the concern that the process as we understand it that we tried to adhere to carefully did not appear to be followed. The second letter, if you would, refers to the same issue, but it continues that the process was not followed.

We're concerned, and rightly so. We thought we'd recommended some very fine candidates, plus, being that it wasn't followed and we'd already corresponded with our minister previously, this time we wished to know whether or not there's a new process, and if there is, we'd like to know about it because the advertising costs quite a bit of money and the short-listing takes volunteers' time. We don't mind that if the process is going to work. Also, the interviews take time. People and volunteers have to come in. I sit through eight or 10 hours of interviews myself, and some of my colleagues on council sit through a number of hours beyond that because the process had been going on before I got involved with the nominating committee. To what end, if our recommendations aren't being noticed or looked at?

If there's a new process, we'd like to know about it because we'd like to adjust so that we can deal with it and try to do what the minister would like us to do. We really are keen on looking after recommending the best interests of our community to our minister.

Mr Kormos: Really, if it were just a matter of doing what the minister wanted you to do, there wouldn't be much need for you, would there? The minister, he or she, could make those decisions all by its tiny little self, and district health councils would become pretty irrelevant if district health councils only did what the minister wanted them to do, wouldn't they?

Mr Ferguson: That's our contention. We're there to recommend what we believe is in the best interests of our communities.

Mr Kormos: Yes, and I trust you'd been following the guide to agencies, boards and commission for district health councils, which indicates that the Lieutenant Governor in Council appoints the members and a chair selected from a list of nominees submitted by the district health council.

Mr Ferguson: That's correct.

Mr Kormos: That's what was driving your concern in the February 15, 1996, letter and in the April 15, 1996, letter, because you'd been doing that to no avail.

Mr Ferguson: It appears that way.

Mr Kormos: Were any of the people whose names you submitted in turn submitted by the government for approval?

Mr Ferguson: No. That's correct.

Mr Kormos: How many names did you submit?

Mr Ferguson: There were 16 names in total that we've recommended for those positions.

Mr Kormos: These are people whose application had been solicited by virtue of ads in local papers —

Mr Ferguson: That's correct.

Mr Kormos: — and who had been considered and interviewed by at least a committee of the health council in compliance with the guidelines set out.

Mr Ferguson: Yes.

Mr Kormos: And yet there have been a number of appointments. Most recently, was that Mr Poratto? Was that Mr Poratto who was here last? Is that the one we voted on a couple of weeks ago, Chair?

The Chair: Yes, it is.

Mr Kormos: His approval wasn't unanimous by this committee. The record would show that in any event. Mr Poratto came here and seemed to suggest that — if I'm wrong, somebody's going to jump up quick as a boo and indicate it because they take great pleasure in that —

somehow you had been involved in his application for a position on the district health council.

Mr Ferguson: As near as I can determine, there was a letter to the editor of the Sudbury Star in January. That was the first indication we have. I don't know Mr Poratto. Mind you, I must clarify that there have been a number of rather large meetings in Sudbury over hospital services restructuring and related district health council business. I don't recall the chap introducing himself to me.

Mr Kormos: Huh? You mean he never talked to you?

Mr Ferguson: He may have talked to me, but without introducing himself.

Mr Kormos: Without identifying himself. The executive director wants to say something.

Mr Bob Knight: Mr Poratto called me in the late fall of 1995 and had a conversation which closely reflected the kind of statements he made at this meeting here and in his letter to the editor. But he did not at any time in his conversation with me indicate, to my recollection, that he was interested in serving on the district health council, and we have nothing in document form from him indicating such interest. In fact, we have nothing in documentary form from any of the eight people who were appointed other than the résumés that were sent to us by the minister's office after the fact.

Mr Kormos: And in the little ad you put in the paper, soliciting applications for membership on the council, does it indicate how those people are to apply?

Mr Ferguson: There's an address, yes, an invitation to apply to the district health council office, and the address is there, yes.

Mr Kormos: To your district health council office?

Mr Ferguson: Yes.

Mr Kormos: Not to some other district?

Mr Ferguson: That's correct.

Mr Kormos: So that would have been the ad that Mr Poratto saw?

Mr Ferguson: Presumably he'd see it if he got the local papers, yes.

Mr Kormos: And it would have directed him, if he was interested, to submit an application or a résumé, a CV, what have you, to the district health council?

Mr Ferguson: That's correct.

Mr Kormos: And you never received one from him?

Mr Ferguson: Not that I'm aware of, no.

Mr Kormos: Maybe the executive director could help.

Mr Knight: No, we never received one. Of the eight people who were appointed recently, one of those people did actually submit an application in response to our ad, but was not interviewed or recommended by council. I would say that people in the community are starting to get mixed signals about how they should apply to the district health council. In fact, we received a letter from someone two weeks ago who indicated that she had applied through the local Progressive Conservative Party office.

Mr Kormos: And how did that go across?

Mr Knight: Well, basically I advised her that we were unsure at this point what the process is for recruitment, but that was probably a positive move on her part.

Mr Kormos: In view of the recent history of appointments?

Mr Knight: That's correct.

Mr Kormos: You can only rely on what you see and what you hear, huh? You can't start looking into people's heads, and that seems to be the way it's done up there. You call the local Tory office.

There was a disturbing article on May 14 — and I don't want to embarrass you, Mr Knight, but you've been with the health council, what, for five years?

Mr Knight: Yes.

Mr Kormos: I might ask the chair, the health council's been pleased — I say "been pleased" — with Mr Knight's work? They've kept him for five years.

Mr Ferguson: Up to quite recently, yes.

Mr Kormos: And he obviously came to the health council with strong qualifications?

Mr Ferguson: I believe so. I must admit I wasn't on council when Bob did come into the employ of the Manitoulin-Sudbury DHC. I've only been on a couple of years myself.

Mr Kormos: The article, and it's written by a Star staff writer, one Denise St Pierre: "A rift within the Manitoulin-Sudbury District Health Council could soon cost the agency's top administrator his job," referring to Mr Knight. One of the new appointments says, "'We don't want to be unfair to Mr Knight. We know he has a family, and we would offer him a good severance package,'" which is small comfort.

What the hell's going on? How is it that Mr Knight — and I appreciate you can't discuss personnel matters — right? — because that's done in camera. I understand that. Am I right that the vote was a 7-7 vote? Is that what it was? That's what the newspaper —

Mr Ferguson: I'm sorry, that was an in camera meeting, and I cannot discuss that at this point.

Mr Kormos: Okay. No minutes or notes from the meeting — I appreciate you can't discuss this, Mr Ferguson, but members who attended confirmed a vote of non-confidence was taken. The vote was split 7-7, meaning the non-confidence motion was lost. I appreciate you can't discuss what's going on in an in camera meeting, but you can certainly indicate whether there had ever been any previous concern prior to these new government appointees about Mr Knight's performance as executive director.

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Mr Ferguson: No. As a matter of fact —

Interjection: What's the question again?

Mr Ferguson: Could you repeat it, but I think I got it.

Mr Kormos: Yes. Please help me along because I'm grappling with this. I'm just trying to get a handle on it.

Mr Ferguson: He's received several great reports as interviewed or as assessed by our executive committee who did a performance report on him.

Mr Kormos: So if there was a vote of non-confidence, which of course you can't talk about because it was in camera —

Mr Ferguson: That's right.

Mr Kormos: But if there was a vote of non-confidence like the newspaper reports, obviously some of those district health council members aren't as respectful

of in cameras — unless the press made this up. But if there was, this would have been a novel thing with respect to Mr Knight because you're indicating that until these new provincial appointees appeared on the scene, there was never any question about his ability.

Mr Ferguson: Not from district health councils.

Mr Kormos: Quite right. There were critics from outside the health council.

Mr Ferguson: Oh, yes.

Mr Kormos: I trust you're satisfied that Mr Knight understands that as an executive director his job is to convey the message as determined by the appointed members of the council.

Mr Ferguson: That's right.

Mr Kormos: You've never had any quarrel with Mr Knight doing anything other than that, have you?

Mr Ferguson: No, sir, we haven't.

Mr Kormos: He's been consistent in understanding what his role is as executive director.

Mr Ferguson: Explicitly.

Mr Kormos: Mind you, he may or may not give advice to the members of the council. That's part of his job description, isn't it?

Mr Ferguson: That's correct.

Mr Kormos: There probably were times when council adopted a position that was consistent with Mr Knight's advice. Is that fair to say?

Mr Ferguson: That's fair.

Mr Kormos: Is it fair to say that there may well have been times when council, in its judgement, heard the advice, but made a decision that wasn't necessarily totally consistent with what Mr Knight —

Mr Peter L. Preston (Brant-Haldimand): Point of order, Mr Chairman: I believe these are proceedings that took place in camera and I don't see how they're adding to this discussion here today. It's a matter that is personal to these two gentlemen and I don't believe it adds or detracts from today and I don't believe it should be pursued.

The Chair: Mr Preston, I think that Mr Ferguson and Mr Knight are able to separate out in their responses what they would view to be appropriate and inappropriate. So I think we should let the questioning continue and I think Mr Ferguson and Mr Knight both understand what in camera means and will not discuss that here at the committee.

I understand your point and I don't disagree with it totally, but I don't think that the questioning is inappropriate because I think that Mr Ferguson and Mr Knight know full well how fulsome their answers can be.

Mr Preston: Mr Kormos, in his way, is going to lead to a conclusion by innuendo and I don't believe that's going to be helpful to either case.

The Chair: All right. I've made the ruling, so continue, Mr Kormos.

Mr Kormos: Thank you, Chair. Mr Ferguson, you're satisfied that Mr Knight understands his role as executive director?

Mr Ferguson: Quite well, yes.

Mr Kormos: Again, I don't want you to talk about what happened in camera.

Mr Ferguson: No, I haven't been talking about anything in camera.

Mr Kormos: And I wouldn't think of asking you about that, either getting in the back door or the front door. But is there concern among council members that this sort of report would appear in the paper? I'm talking about the report of a 7-7 vote on a non-confidence motion on Mr Knight.

Mr Ferguson: I've had a number of council members call me expressing grave concerns about it, exasperation. I've had residents from the catchment area, Manitoulin-Sudbury district, expressing concern. I talked to my son last night and my answering machine has got a number of calls from people very upset about that article in particular and what it says.

Mr Kormos: So if there was an attack on Mr Knight — if there was, because of course you can't indicate whether there was or not because that's in camera — folks in the communities that your health council serves are not pleased.

Mr Ferguson: Yes, you could say that.

Mr Kormos: Is that an understatement?

Mr Ferguson: Quite.

Mr Kormos: They're royally ticked.

Mr Ferguson: Yes. I guess they don't want to be referred to as royal, but they're quite ticked.

Mr Kormos: And, Chair, you'll notice I've been moderate in my use of language. That's not exactly what I was thinking.

In your leadership on the council, have you encountered — and how long have you been chair?

Mr Ferguson: A year ago this June. It's been a long year too, I might add.

Mr Kormos: I bet you it has. Look, imagine us down here at Queen's Park.

Mr Ferguson: Yes. It's not like in the Everglades. They don't have somebody with a rifle to shoot the alligators here either.

Mr Kormos: But on occasion I understand an alligator will bite off more than it can chew and it will actually choke in its own digestive process.

Mr Ferguson: Yes. That's a kind of a small consolation, though, while you watch —

Mr Kormos: Especially if you're the person being chewed on. Right?

Mr Ferguson: — you're watching your stomach turn, yes.

Mr Kormos: Yes. Are you fearful for the integrity of the district health council?

Mr Ferguson: We have some concerns, yes, about that very issue and that's part of what my opening statement was alluding to. We see that it can play a very valuable role in advising the minister on what is appropriate and reasonable for the communities, in particular the Manitoulin-Sudbury district catchment area, and while we know very few things are status quo, we would like to know what our role is and have that made very clear to us.

The Chair: Mr Kormos, you have three minutes left.

Mr Kormos: Three minutes. Okay. I trust you can tell us whether or not there was a secret, off-the-record meeting of health council members on April 25.

Mr Ferguson: Yes, there was a meeting.

Mr Kormos: Did you call that meeting?

Mr Ferguson: Yes, I did.

Mr Kormos: Did you call it on your own initiative?

Mr Ferguson: I called it with the recommendation and request of the executive and myself, yes.

Mr Kormos: Was that in response to certain things being put to you?

Mr Ferguson: Yes.

Mr Kormos: Were those things being put to you by the new members, the new appointees?

Mr Ferguson: A combination.

Mr Kormos: Was it because of concerns on the part of the pre-existing appointees, the ones prior to the improper appointees? Was it about their concern over the direction of the new appointees?

Mr Ferguson: Perhaps I can let that question fall.

Mr Kormos: Sometimes silence speaks volumes, sir.

Mr Ferguson: I'd prefer not to comment on that question.

Mr Kormos: I understand. So there was a whole lot of concern?

Mr Ferguson: Yes.

Mr Kormos: There was concern by existing members of the board prior to these new appointees about an attack on the independence of the board?

Mr Ferguson: I'm sorry?

Mr Kormos: There was concern by the original members of the board about a seizure of control of the board by the new appointees.

Mr Ferguson: There's concern, yes.

Mr Kormos: Especially in view of the fact that these new appointees had not been appointed through the procedure outlined in the guide?

Mr Ferguson: There's concern —

Mr Kormos: Is there concern about direct political interference in the integrity and independence of the district health council?

Mr Ferguson: Yes, that's fair to say.

Mr Kormos: Are the new members of the board perceived as hatchet people for this government?

Mr Ferguson: In my comments earlier on they are perceived as being there to clear the council's house.

Mr Kormos: Are they being perceived as fifth columnists?

Mr Ferguson: I'm not sure what you're referring to as fifth columnists.

Mr Kormos: They're designed to take over the board so that the board merely is an expression of the political will of this government as compared to an expression of the interests and will of the community.

Mr Ferguson: I won't deny that that thought is there.

Mr Kormos: Is that thought there among more than a few people?

Mr Ferguson: Yes, I think so.

Mr Kormos: Do you consider that a legitimate concern by those people who do feel that way, or is it merely fanciful?

Mr Ferguson: I won't say it's fanciful, no.

Mr Kormos: You wouldn't say it's fanciful.

The Chair: Thank you, Mr Kormos. Sorry to interrupt, but we did agree to split up the time. The government members have seven minutes left if they wish to use the time.

Mr Bob Wood: Yes, we do wish to use that. I'd like to follow up on a couple of matters that have come forward. I wonder if you'd describe for me, Mr Ferguson, the current process you apply when somebody comes to you and says they want to serve on the district health council. What happens from there?

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Mr Ferguson: We ask them to fill out an application form and then it's presented to the nominating committee for consideration, and given that they would like to interview them, then the applicant is requested to come in for an interview at a mutually agreeable time. That's usually the catch because given the broad spectrum of the nominating committee and the prospective candidates, it does take a little work to coordinate times that people are mutually available for that sort of activity. That's how that happens, yes.

Mr Bob Wood: So each person who applies to you goes through that process and then is either recommended or not recommended to the minister.

Mr Ferguson: That's right.

Mr Bob Wood: Do you refer anyone directly to the ministry who applies to you before they go through that process?

Mr Ferguson: Not that I'm aware of — there has never been that happen, no.

Mr Bob Wood: Maybe Mr Knight could help us on this. Is anyone referred directly to the ministry?

Mr Knight: In the past, no. They've all gone through the step-by-step process that Mr Ferguson has outlined, but in recent weeks we've received two applications and basically our nominating committee has decided not to use the process any more because it appears to be fruitless and so they're being referred on at this stage.

Mr Bob Wood: What's your current practice then with respect to someone who comes to you and says they want to serve on the council?

Mr Knight: It hasn't been happening very much. As I say, in the last month or so we've had only two and that is simply to refer them on to the minister's office.

Mr Bob Wood: Was that authorized by the district health council?

Mr Knight: More or less. When the nominating —

Mr Bob Wood: When you say "more or less," was it or wasn't it?

Mr Knight: When the nominating committee decided it was not going to conduct any process any more until the minister indicates whether or not he wants us to do so, then I think there's an obligation on our part —

Mr Bob Wood: Excuse me. How was it authorized by the district health council? Was it done by a bylaw? Was it done by resolution?

Mr Kormos: I'd like to hear the answer, Chair.

Mr Bob Wood: How was it authorized?

Mr Ferguson: Not by bylaw.

Mr Bob Wood: Was it done by resolution?

Mr Knight: An authorization for that sort of thing I don't think is needed. The person's applying for council —

Mr Bob Wood: Excuse me. So is it correct to say — *Interjection.*

The Chair: Order.

Mr Bob Wood: Is it correct to say there was no authorization by the district health council?

The Chair: Order, please. Mr Wood, there's nothing wrong with your line of questioning, but Mr Knight really should have the opportunity to complete an answer and I don't think you're being fair to him. Go ahead, Mr Wood.

Mr Knight: Thank you, Mr Chair.

Mr Bob Wood: Make it a short answer, please.

Mr Knight: In the absence of any local process based in our council, we have an obligation, I believe, to pass on applications for council membership to the minister's office.

Mr Bob Wood: Please don't evade the question. Was there an authorization by the district health council to change the process, and if so, how was it done? It wasn't done by bylaw. Was it done by resolution of the district health council?

Mr Ferguson: I believe I indicated to Mr Knight to go ahead and forward them until clarification was made on the process.

Mr Bob Wood: The answer, I take it, was it was never authorized by the district health council?

Mr Knight: There's no resolution to that effect, no.

Mr Bob Wood: Was there anything they did that authorized it?

Mr Knight: I've already explained that.

Mr Bob Wood: Nothing? The answer is there was no authorization?

Mr Knight: No, that's not correct, Mr Wood. I have already explained to you that the nominating committee, which is the group which heads up the recruitment process in our council, decided to suspend its process. Now if you want to —

Mr Bob Wood: And received no authorization from the health council?

Mr Knight: If you wish to accuse me of an indiscretion —

Mr Bob Wood: I'm accusing you of nothing. I'm asking for —

Mr Kormos: Chair, I want to hear the answer.

Mr Knight: — by construing from that that I should then just simply send the applications on to the minister's office, then you can do so.

Mr Bob Wood: I'm not interested in instruction from you in what I can or can't do. I gather — this is the last time I'm going to ask this — there was no authorization by the district health council to suspend the process?

Mr Knight: There was no resolution, to my recollection, to that extent. The nominating committee members indicated they didn't want to do this any more. Actually there was a resolution. When one of our members resigned from Chapleau, council passed a resolution that a letter be sent to the minister saying, "We have this new vacancy, and we await your instructions, Mr Minister, on what to do with recruitment."

Mr Bob Wood: Would you be kind enough to send us a copy of that resolution?

Mr Knight: Absolutely.

Mr Bob Wood: Thank you. I have a couple more questions but I suspect I'm out of time —

The Chair: There are two minutes left.

Mr Bob Wood: I'm going to defer to Mr Preston.

Mr Preston: I put all my notes away because I wasn't going to ask the question. The last paragraph on page 5, your position disagrees apparently with the government and with the eight people who have been appointed. Is that correct, basically?

Mr Ferguson: Yes, probably. We haven't got a definitive direction from the new people yet.

Mr Preston: All right. Your own description of the health council, "The kind of planning carried out by the DHC is important so that provincial policy can be implemented successfully...." Do you see these things running parallel or at cross-purposes?

Mr Ferguson: Sorry?

Mr Preston: Paragraphs 3 and 4 —

Mr Ferguson: Is that page 2 you're talking about?

Mr Preston: On page 4: "There have been eight recent appointments...."

Mr Ferguson: Okay.

Mr Preston: All right. You're familiar with those?

Mr Ferguson: Yes.

Mr Preston: All eight apparently seemed to be well briefed. They seem to have an opinion?

Mr Ferguson: Yes.

Mr Preston: It differs with your council's opinion or the other half of the council's opinion?

Mr Ferguson: It appears to, yes.

Mr Preston: All right. And yet your statement is that your job there "is important so that provincial policy can be implemented successfully...." Provincial policy seems to be against the last paragraph on page 5. Is that correct?

Mr Ferguson: Yes, in that hospital governance should proceed before —

Mr Preston: Regardless of what it is, the provincial opinion is different than that?

Mr Ferguson: Yes.

Mr Preston: And these people seem to be agreeing with provincial opinion, and your statement is that you're there so that provincial policy can be implemented. Do you not see that as parallel or running against each other? What do you say?

Mr Ferguson: The way you've put it, it sounds like they're opposed.

Mr Preston: They're your words, sir.

The Chair: Thank you, Mr Preston. May I thank the committee members for their adherence to the time, and we may be able to complete it by 11:30.

Mr Ferguson and Mr Knight, on behalf of the committee, I thank you for your attendance here and your forthright answers. It is customary for the committee, at a later date, to do a report on this short session today. Of course, that would be a public report and you would, of course, as well receive a copy of that. Thank you very much for your attendance here today.

Mr Kormos: If I may, in response to your last comment, there appears here to be a hijacking of what should be an independent body, and what I'm calling upon the Chair to do is to ensure that this committee prepares its report at the earliest possible opportunity.

The Chair: The subcommittee will deal with that next Tuesday as to the agenda.

Interjection.

The Chair: Okay. Not next Tuesday, the Tuesday after. Okay? Thank you, Mr Ferguson. Thank you, Mr Knight.

Mr Ferguson: I thank you all for your time and patience. We're volunteers. I'm a volunteer. I'd sooner be farming, but I thank you for the invitation to come down and share our thoughts with you. It's my belief and my intention to be the eyes and ears along with the council of our community for the minister and to do the best we can in giving advice to him, and sharing that with you and with the public any time we can. Thank you again.

Mr Preston: Thank you very much.

The Chair: Thank you again. Okay, the balance of the morning is to deal with the review of an intended appointment, Mr Michael O'Keefe. Is Mr O'Keefe here?

1130

INTENDED APPOINTMENT
MICHAEL O'KEEFE

Review of intended appointment, selected by the official opposition party: Michael O'Keefe, intended appointee as president, Workers' Compensation Board.

The Chair: Mr O'Keefe, thank you for coming to the committee this morning. If you wish to make any opening remarks we would welcome those, and if you'd introduce the gentleman who is with you.

Mr Michael O'Keefe: Mr Paul Boniferro, who is —

Mr Paul Boniferro: The Minister of Labour's policy assistant, and here to assist Mr O'Keefe today. If there's any issues that arise that can assist the committee members with respect to policy issues around the WCB or his appointment, I'll be happy to assist in any way.

The Chair: Okay. Mr O'Keefe, do you wish to make any opening remarks?

Mr O'Keefe: Yes, Mr Chair. I appreciate the opportunity to appear today before the standing committee on government agencies. The position of president and CEO of the Workers' Compensation Board is certainly one of the most challenging jobs in the country. It carries with it enormous responsibility, but as well an opportunity to contribute and to make a difference. It requires leadership, creativity, and a win-win attitude.

I believe my years running major hospitals have prepared me very well for this position. While WCB is a different business than hospitals, the health care sector plays an integral role to the workers' compensation system; and I know the health care sector. But, most importantly, I believe the generic challenge facing the health care sector and an institution such as WCB have many similarities.

WCB, like the Toronto Hospital, is a very large institution. WCB currently has 4,600 staff, while at the Toronto Hospital we have 6,000. WCB has an operating budget of approximately $330 million, the Toronto Hospital approximately $500 million. WCB, like hospitals, serve many different and often diverse interests: government, clients, employers, employees, service providers etc. WCB, like hospitals, operate with a board of directors and a great amount of public scrutiny, and must therefore meet very high standards of excellence.

In the health care industry, which most management gurus concede is one of the most complicated of all organizations, I have successfully met all of these challenges. My goal will be to build an organization that is devoted to both reducing the causes and minimizing the effects of workplace injuries. An organization that recognizes good service is an efficient service, doing the right things right — an organization that is financially sound.

I feel the position requires an individual with demonstrated turnaround experience and ability to manage effectively in a high-profile, dynamic environment, financial experience, a successful track record of top-level management in a big organization, restructuring experience, experience in a union environment, and ability to work effectively with the board of directors, public relations knowhow, public policy experience and a win-win attitude; and I feel I have these attributes and experience. Thank you, Mr Chair.

The Chair: Thank you, Mr O'Keefe. Do government members have any questions?

Mr Bob Wood: One, and I think a couple of my colleagues have questions as well. I'd like to ask you, Mr O'Keefe, whether or not you think there are opportunities for improvement in the management of the WCB, and if you do think there are, where you would see those opportunities lying?

Mr O'Keefe: I have not had the opportunity to review information on productivity or client satisfaction. In fact, I have not had my foot inside the door of the WCB since I became involved in the job search.

However, I've looked at some gross indicators such as costs per claim, the reduced number of claims, no real reduction in admin costs; I've looked at staffing numbers compared to other jurisdictions, relatively speaking; looking at the turnaround time of claims compared to other jurisdictions; the fact that there have been no major re-engineering initiatives that I'm aware of that have occurred over the past while.

There has been a series of acting CEOs so it's more or less been hold the line, and leads me to believe that there are considerable opportunities to reduce cost and improve service. The whole issue of service: Everybody has an opinion on the quality and level of service being provided by WCB, and I believe there are opportunities to improve service, and it would be a priority for me upon taking up the position.

Mr Bob Wood: That's my question for the moment. I think a couple of my colleagues have questions.

Mr Bert Johnson (Perth): Mr O'Keefe, would you please tell the committee about the search and the interview process that you were involved in, how it evolved.

Mr O'Keefe: I was contacted by Caldwell Partners, which was the recruitment firm retained to undertake the search. They asked if I was interested. I indicated I was, forwarded a résumé, met with them on a number of occasions. This then led me to be interviewed by a search advisory committee that had been set up under the chairmanship of Dr Robert Prichard, the president of the University of Toronto. It also included the CEO of

Manulife, the CEO of Xerox, a senior VP with the Royal Bank of Canada and Dr Bette Stephenson.

I was interviewed by this search committee and finally recommended for appointment.

Mr Bert Johnson: What do you consider the key priorities as the intended president of WCB?

Mr O'Keefe: My immediate priority will be to implement the new government reforms. That's an obvious priority for me. These reforms are being designed to improve the financial performance and administration of services.

An essential element of the reforms will be the implementation of the mandate for prevention of workplace injuries and illness, because ultimately if we are able to prove successful in the prevention and early return to work, that will have a tremendous impact on all the issues currently facing the WCB.

Some of the specific challenges will include improving the financial position of WCB, the administration of service delivery, positioning the WCB for implementation of the reforms and, again, ensuring the new safety and prevention mandate is reflected in a new organizational structure.

Mr Bert Johnson: Thank you. Those are my questions.

Mr Bob Wood: Jim Brown has a question.

The Vice-Chair (Mr Tony Martin): Mr Brown has a question? Go ahead.

Mr Jim Brown (Scarborough West): Small business creates 80% of all new jobs, and over the past five or six years, small business has been really turned off by a host of factors, one of which is the WCB. How do you think you'll be able to address the problem of encouraging small business to create jobs and restore the economy?

Mr O'Keefe: Most certainly the service issue is a significant issue. Good service is an efficient service, so it's to improve the efficiency of the programs that are currently being delivered by WCB.

The whole issue of its overall financial stability and taking initiatives to improve the current financial position and the focus on prevention, I believe, will have a positive impact for the small businesses in the province.

The Chair: Anybody else? There's about a minute and a half left.

Mr Bob Wood: We'll reserve the balance.

The Chair: Okay, we'll move on. The official opposition.

Mr Dwight Duncan (Windsor-Walkerville): First of all, congratulations on your appointment. On behalf of the Liberal opposition, we feel it was a fair process and obviously a well-done process, in keeping with the tradition we established when we appointed Dr Robert Elgie chair of the board. We raised a number of issues prior to your appointment, hoping the focus would be done the way it was.

First of all, what percentage of current claim costs do you feel would be appropriate in terms of coverage at the WCB? Currently it's at about 37%. What do you see as an appropriate coverage level?

Mr O'Keefe: I really don't feel I've had an opportunity to get involved in the organization to make a realistic response to your question. As I said earlier, I've had no involvement with the WCB. Hopefully, tomorrow I will. I really feel I should reserve responding to that question because I don't have the information at hand.

1140

Mr Duncan: The government's discussion paper speaks to that whole issue vis-à-vis the unfunded liability, as well as the coverage rate. Let me ask you this: Do you view the unfunded liability as an issue of debt or do you view it as an issue of current claim cost coverage?

Mr O'Keefe: I believe it is a significant issue that has to be dealt with. Currently the assets are about three times the value of the annual premiums coming in. I've read some works by actuaries that have indicated a fully funded WCB system should have assets that are approximately six times the current income or premiums. The situation is somewhat reversed currently, where we have assets that are three times but liabilities that are about six times, so something obviously needs to be done if we are going to be able to sustain the system in future.

Mr Duncan: Do you think we can do that with a 5% cut in assessments in the short term?

Mr O'Keefe: I really don't wish to comment on that initiative which is being taken by government. I think that is a government policy issue. When I take up the position, I will carry out what I have to do as CEO to implement whatever direction I'm given.

Mr Duncan: What kind of advice would you render to a government, given what you've just indicated about the nature of the unfunded liability and of the accident fund? What kind of advice would you give to the government if they said to you, "What's your view on assessment cuts at this point in time?"

Mr O'Keefe: I really don't feel I'm in a position to give an opinion right now. That's a government decision that will be, I'm sure, discussed in the Legislature.

Mr Duncan: The legislation is anticipated, I believe, the first week of June. Do you think you'll be in a position at that time to share your views as the president and CEO of the board with the Legislature, the employer and the injured workers' community in the province?

Mr O'Keefe: I hope that when the government takes its position, I will be out front in respect to how I will deal with it as CEO.

Mr Duncan: Can I take your answer to mean that you neither support nor do not support the 5% assessment cut?

Mr O'Keefe: No. I would take my answer in respect of your question that I do not feel I'm in a position right now to give an opinion on that issue. It's a government policy issue.

Mr Duncan: In terms of the percentage of employers who are covered in Ontario relative to other jurisdictions, the government in its discussion paper presented a table that said roughly 70% of Ontario employers are covered. I think British Columbia was the highest with about 97%, the Canadian average being in the low to mid-80s. The government, as a matter of policy in a number of other areas, including welfare benefits, has attempted to position Ontario either at the average or slightly below the average in terms of cost. Do you have any views yet with respect to the percentage of employers who are

covered by WCB, and what would your view be with respect to an appropriate level of coverage?

Mr O'Keefe: I really don't have any views right now. That is, as you know, in the discussion paper and will be discussed and debated. I don't really have a position right now.

Mr Duncan: I assume you'll be defending whatever recommendations come forward from the government with respect to those issues and the other 17 questions that are raised in the discussion paper.

Mr O'Keefe: I don't feel it will be so much defending as carrying out the implementation in a fair, equitable, sensitive manner.

Mr Duncan: Is it your intention to meet with injured workers' advocacy groups and injured workers' groups prior to the legislation being introduced? If you've yet to form an opinion on these issues which I believe are going to be introduced to the Legislature within two weeks, it would be my hope that you would be prepared to meet with injured workers' groups and advocacy groups on behalf of injured workers to hear their views on these issues as well. Would you be prepared to do that prior to the implementation?

Mr O'Keefe: I would take that under advice.

Mr Duncan: The secretariat, as you're probably no doubt aware, has received literally dozens of submissions, some of them very compelling, I might add, that I think would be well worth your perusal and then meeting with these folks so that you can see where they're coming from. Dr Elgie was very effective at that and always kept the doors open, and I think it would be in the interests of the president to begin and to maintain those contacts.

Mr Kormos: This is a candidate search process that seems unimpeachable. Obviously the background of Mr O'Keefe is such that while I may disagree — not "may," I do disagree — with what Ms Witmer and Mr Jackson have in mind for the WCB, it remains that Mr O'Keefe presents himself as eminently qualified as an administrator and I wish him well.

The Chair: Anything else from the other parties? Government party, do you wish to pursue anything else?

Mr Bob Wood: We do not.

The Chair: Mr O'Keefe, thank you very much for coming before the committee. I think you can get a sense from the committee that they're pleased with your appearance here and your intended appointment.

Mr O'Keefe: Thank you very much, Mr Chair.

The Chair: We have two other items of business to attend to. One is to entertain a motion of concurrence and the other is to deal with the subcommittee report.

Mr Bob Wood: I move concurrence in Mr O'Keefe's intended appointment.

The Chair: Any debate on that? No debate at all?

All those in favour? Opposed? It's carried unanimously. Thank you for that.

I think most committee members know that the appointment of Mr Kemp to the Deseronto Police Services Board has been withdrawn. Mr Bartolucci. We don't need to debate it, but —

Mr Bartolucci: I know, Mr Chair, and I don't plan on debating it. I simply plan on saying that I'm glad good sense — perfect sense — was used in the withdrawal of this appointment.

Mr Bob Wood: I would like to note, Mr Chair, that we try to listen to all points of view. We don't agree with all points of view at all times, but we do listen to them. We appreciate submissions made by all.

The Chair: I think the process worked in this case, if I might say so.

Mr Bartolucci: Mr Chair, we had an indication of how the eighth appointee to the DHC in Sudbury will come back to haunt the restructuring process in Sudbury very, very quickly. That's just a prophecy with regard to Mr Knight's job. You will note that there was a 7-7 tie, and the eighth appointee is Mr Poratto.

Mr Bert Johnson: Is that as in profit-sharing?

Mr Bartolucci: That is a prophecy.

Mr Kormos: I guess we had all better await the subpoenas for when Mr Knight sues the butt off the DHC for unjust dismissal, if indeed that happens. I'm prepared to testify.

SUBCOMMITTEE REPORT

The Chair: Can we move on to the report of the subcommittee.

Mr Bob Wood: I move adoption of the subcommittee's report.

The Chair: Is there any debate on Mr Wood's motion? If not, all those in favour? Opposed? None.

Thank you very much, Mr Wood. I thank the members of the committee for getting us through the morning in fine fashion. We are adjourned.

The committee adjourned at 1149.

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Brown, Michael A. (Algoma-Manitoulin L) for Mr Gravelle
Brown, Jim (Scarborough West / -Ouest PC) for Mr Newman
Pettit, Trevor (Hamilton Mountain PC) for Mrs Ross

Also taking part / Autre participants et participantes:
Dwight Duncan (Windsor-Walkerville L)
Paul Boniferro, Special Assistant - Policy, Office of the Minister of Labour

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 29 May 1996

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 29 mai 1996

The committee met at 1007 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr Floyd Laughren): The standing committee will come to order. We have a fairly brief agenda: the report of the subcommittee and then the draft report on the Ontario Northland Transportation Commission.

Mr Bob Wood (London South): I move adoption of the report of the subcommittee of Tuesday, May 28, 1996.

The Chair: Is there any comment on the motion by Mr Wood?

I just want to express my appreciation for the government members allowing the third party to bring forward the name of Stewart Lacey after the meeting.

Mr Bob Wood: If we'd known it was going to be that good, we wouldn't have agreed to it.

The Chair: That was helpful.

Any further debate? The report is carried.

The second item is the draft report on the Ontario Northland Transportation Commission. In doing the draft report, we can dispose of the invaluable services of Hansard.

The committee continued in closed session at 1008.

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